

CM 334178 1942 SABOTEURS CASE CORRESPONDENCE part 1

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BRIEF OF THE EVIDENCE IN THE CASE
OF A TRIAL BEFORE A MILITARY COMMISSION
OF THE FOLLOWING NAMED ACCUSED:

Ernest Peter Burger
George John Dasch
Herbert Haupt
Reinrich Harm Heinck
Edward John Kerling
Hermann Neubauer
Richard Quirin
Werner Thiel

Testimony of Matthias H. Griffin, witness for the prosecution.

DIRECT EXAMINATION.

(P. 93) Mr. Griffin testified that he is a special agent of the Federal Bureau of Investigation in the New York Office. That he served copies of the Charges and Specifications on all defendants.

There was no cross-examination of this witness.

Testimony of Cockswain John C. Cullen, United States Coast Guard.

(P. 107) Cullen testified that he was on June 23, 1942, stationed at the Amagansett life boat station, Long Island, and had gone on duty that night at ten after 12 a.m. That it was a foggy night with visibility not more than 15 or 20 feet. That he was less than one-half mile from the coast guard station when he saw a dark object in the water which upon approaching and flashing his flash light he discovered to be three men standing in the water over their ankles. That one of the men walked toward him (At this point Cullen identified the accused George John Dasch as the man who had approached him. His identification was based on his recollection of Dasch's features and the recollection of Dasch's voice (104). That Dasch asked him if he was the coast guard, and upon Cullen's inquiry as to who he (Dasch) was, Dasch stated that they were a couple of fishermen from Southampton who had run ashore and that they would wait until sunrise. That Cullen told him that it would be four hours until sunrise and suggested that they come with him to the coast guard station. That Dasch first said all right, and walked with him approximately five feet, and then stated he was not going with Cullen because he had no identification papers. When Cullen insisted that he go along, Dasch grasped him by the arm and stated "Now, wait a minute. You don't know what this is all about". Dasch then asked Cullen how old he was, if he had a father and mother, and then said "Well, I wouldn't want to have to kill you." That during this conversation, the other two men remained in the water, and apart from Cullen and Dasch (105).

At this point, a fourth man, dressed in a bathing suit, came down from the sand dunes and addressed Dasch in a few words not in English. That this man was dragging a duffle bag. That Dasch then grasped the mouth of the fourth man, told

him to cut up and get over with the other men, and then took Cullen's arm, lead him farther away and said "Forget about this and I will give you some money and you can have a good time". That he first offered Cullen about \$100.00, and then later offered about \$300.00, which Cullen took, but did not count it, and put it in his pocket. At this point, Dasch took off his hat and stated, "Take a good look at me", and "Look in my eyes" three or four times. That Dasch then put his hat back on and said "I will be meeting you in East Hampton some time. Do you know me?" and Cullen stated, "No, sir, I never saw you before in my life." That Dasch then stated that his name was J. W. Davis, and Cullen stated his name was Frank Collins.

(P. 107) That Dasch then went back to the other three men and Cullen immediately ran back to the station. That Cullen saw no other object and heard no noise coming from the water at that time. That upon arrival at the station, he told Second Class Boatwain's Mate Jonett what he had just witnessed and he, Cullen, and the other men, armed themselves and went back to the spot, but could find no one. That the round trip to the station and back occupied approximately fifteen to twenty minutes, and thereafter they heard motors and saw a long, dark object in the water, approximately eighty-five feet long. That it was too foggy to make out any bare detail, but that the object was moving and that the sound was coming from the object, as well as a distinct odor of oil. That he could not see any other thing on the object.

(P. 109) That he was then called to report to the Tower and told Warrant Officer Cain about the matter over the telephone. That he then went back to the spot and that he, with others, went back of the sand dunes toward a small light, which appeared to be an automobile light which they had seen there. That this was approximately one hour and a half after he had first seen Dasch, and found nothing on the beach, but did hear the motors again which died out when they ran to the water's edge.

(P. 111) That he gave the money he had received from Dasch to Mr. Barnes, skipper of the station, and it was found to amount to \$260.00 in the denominations of two 50's, five 20's and six 10's. That he thereafter went back to the spot and found a package of cigarettes partly buried in the sand which he delivered to Mr. Barnes. That he then went back to the coast guard station and four wooden boxes were brought in. That one had been opened and contained fountain pen and pencil sets, glass capsules and tubes, and metal discs about the size of a .45 caliber shell. That a canvas bag was also brought in which contained uniforms and civilian coats.

(P. 115) That at the time he talked to Dasch, Dasch had on a Fedora hat. (Cullen identified P-23 as an overseas hat which was included in the clothes which he saw).

Cross-Examination by Colonel Royall.

That he was not armed, and was 150 yards from the tower, which was not visible in the fog, although no other member of the coast guard was in his vicinity. That no violence was offered to be done by him.

Questions by Colonel Ristine.

Cor Dasch first took off his hat, he stated "Take a look at me", and "look in my eyes" three or four times. That he then stated "Would you ever recognize me again if you saw me", to which Cullen replied "No, sir, I never saw you before in my life", and that Dasch said "You may see me again in East Hampton some time". That no other place than East Hampton was mentioned and that no flash light was used when he looked at Dasch, which was at Dasch's request. That the look he then took aided in his identification of Dasch now. That he could not pick out the fourth man who approached him from the sand dunes.

REDIRECT EXAMINATION

That he did not know what foreign language the fourth man used. That he did not take a statement of Dasch that he did not want to kill him (Cullen), as an offer of violence.

Testimony of Warren Barnes, Chief Boatwain's Mate, U. S. Coast Guard, a witness for the prosecution.

DIRECT EXAMINATION.

That after midnight on June 13, 1942, at 1:05 a.m., he received a telephone call at his home to report to his station which he did at approximately 1:12 a.m., at his station at Montgomery, Bowling. That he met Cullen on the beach after leaving the station at 1:15, at which time he noticed a very noticeable odor of fuel oil coming from the south. That the visibility was not over 300 or 400 feet, but he saw the outline of a boat about 150 feet back of the false pier and approximately 300 feet from where he was standing. That he could not make out the detail of the boat totally, because of the fog, but that the water was washing about 3 feet and the stern was cut off very short. That he had no glasses, but that the structure on the boat appeared to have been like the pilot house on one of the old rum boats they used to have in the bootlegging days. That he heard a motor which was faded; and then returned to the station to notify Mr. Odin. That on this trip to the station, the boat proceeded parallel to the beach faster than he did. That on arriving at the station, he called Mr. Odin and the Navy Department, and the man at the tower, and asked him what had become of the boat, and was informed that the boat had proceeded East.

(P. 125) At about quarter past 4 he again heard the boat while he was on the beach. That the motors ran for about three minutes and it appeared that the boat went in a southerly direction.

(P. 127). That they finally located marks on the beach which appeared to have been made by something being dragged, and followed the marks and found a bag and rope hidden by the sand. That they then dug and found four cases buried about six inches deep in the sand. That the bag was found approximately 150 feet from the boxes and contained clothing. (The witness then identified Exhibit P-23 as being one of the boxes found). That a few feet away there was found a cravenette coat which the witness identified

as being Exhibit P-33. The witness then identified various articles of clothing as being found in the bag on the bench. That he also found some cigarettes which he turned over to Lieutenant Erschel, of the Coast Guard Intelligence.

(P.131) That they took the articles in a truck back to the station where they opened one box and found that it had a hermetically sealed tin inside which the witness identified as being Exhibit P-31. That the officers opened the tin and took the contents out, which included pencils, fountain pens, little glass containers and some kind of powder.

(P.153) That he was in charge of the coast guard station which covered an area of about two miles East to Hapenque station and 3 1/2 miles west toward the Georgica station. That there is a coast guard radio station directly to the rear of the coast guard station and that there is a naval reservation to the North. That he had instructed his men to watch out for anything of a suspicious character, not to run into any traps and to notify him of any suspicious circumstances.

(P. 156) That he had turned the duffel bag and the material which it contained to Mr. Hirschel and Mr. Franken, officers of the coast guard.

There was no cross-examination.

Testimony of Lieutenant Sydney E. Franken, United States Coast Guard, Intelligence Division, New York City, a witness for the prosecution.

DIRECT EXAMINATION.

(P. 159)

That as a result of a message, he went to the coast guard station at Amagansett on June 13th. That Mr. Barnes came in with certain materials, including four wooden cases, a sea bag, containing various articles of clothing and some bathing trunks. That one of the boxes had been opened. That one of the tin containers was opened in his presence and he took some of the material out of the container. That the material was in cardboard boxes which contained small time bomb mechanisms, pens and pencils of the explosive type. (Witness identified various prosecution exhibits of clothing, boxes, etc., as being items which were turned over to him by Mr. Barnes).

(P. 163) That he took the material to the office of the Captain of the Port, Captain Baylis, at New York City, where they opened the three remaining cases and completely emptied the one that had been opened at Amagansett. That they removed several of the top layers of the materials in the other three tin containers and delivered all of the material to Mr. Donegan and Mr. Lamm of the Federal Bureau of Investigation. (Witness identified pieces of paper marked P-44 and P-45, as being part of the material).

There was no cross-examination.

(P. 167) Testimony of Mr. Charles F. Lamm, Special Agent of the Federal Bureau of Investigation, assigned to the New York Office, a witness for the prosecution.

DIRECT EXAMINATION

That on June 13 (7) at approximately 11:30 or 12 o'clock, he went to the Barge Office at Manhattan, New York City where he found Lieutenant Kirschel and numerous other coast guard officers who had various material with them. (Witness then identified Exhibits P-35 to P-43 as being the material which he found).

(P. 169). That he and Mr. Donegan, and Special Agent Emerich removed the material to the New York office where it was turned over to the special agent in charge, Spencer Drayton.

There was no cross-examination.

Testimony of Mr. Spencer J. Drayton, Assistant Special Agent in charge of the Federal Bureau of Investigation Office at New York City, witness for the prosecution.

DIRECT EXAMINATION.

That on June 13 (1942), Mr. Lannan and Mr. Donegan brought various articles to his office. (Witness identified Exhibits P-46 through 50 as being delivered to him. That the wooden boxes with containers contained TNT, detonators and fuses. That he turned all these items over to Special Agent Parsons of the FBI.

There was no cross-examination.

(Mr. Charles F. Lannan and Lieutenant Franken were recalled by the prosecution and identified certain prosecution exhibits.)

Testimony of Mr. Gerhardt P. Mundt, translator for the Federal Bureau of Investigation, a witness for the prosecution.

(P. 197). Witness was qualified as an expert translator of the German language and read into the record the printing and writing on Exhibit P-44.

Testimony of Mr. D. J. Parsons, Special Agent of the Federal Bureau of Investigation of Alexandria, Virginia, a witness for the prosecution.

(P. 203). (Witness was qualified as an expert in reference to explosives, incendiaries and sabotage instruments.)

(P. 204) That he received certain material on June 13, 1942(7) from Assistant Director E. J. Connelley, and Special Agent in Charge Drayton of the FBI. (The witness then read an inventory of the various items of explosives, including boxed TNT, detonators, fuse lighters, etc.).

(P. 211) Witness identified photographs (P-52)(through 61) and testified as an expert that all were pictures of explosives which he explained in detail to the Commission.

Examination by Colonel Royall.

(P. 236). That in the condition in which the various articles to which witness had previously testified were found, they were not

dangerous to any person as long as they remained in that condition. That it would take some affirmative act to have made them dangerous.

Testimony of Mr. Lannan recalled as a witness for the prosecution.

(P. 238). Witness identified Peter Burger and testified that he apprehended him on the 30th day of June about 5 o'clock in the afternoon at the Governor Clinton Hotel, New York City. That the witness was acting with Mr. Connelley and Special Agent B. B. Rice. That Burger signed a consent to remain under continuous physical supervision of the special agents of the FBI.

Questions by Colonel Royall.

That P-73 was signed by Burger about one hour after he was taken to the office of the FBI, after arrangements were made to pack the things in his room and moved him from the hotel to the office. That during the hour Burger was at the New York Office, no one talked with him.

(P. 242) Questions by the Attorney General.

That P-74, a Waiver of Removal from One Judicial District to Another, was signed by Burger in his presence and that P-75, a Consent to Search, was also signed by Burger in his presence. That he was not present during the search of Burger's room.

There was no cross-examination of the witness.

B. DOWNEY RICE, SPECIAL AGENT, FEDERAL BUREAU OF INVESTIGATION,
A WITNESS FOR THE PROSECUTION, OF THE NEW YORK OFFICE, TESTIFIED.

DIRECT EXAMINATION.

(P. 248.) Witness identified Peter Burger, and stated that as a result of the Waiver of Search, which is now in evidence, he searched the room of the defendant Burger in the Governor Clinton Hotel in the presence of Assistant Director Connelley, C. F. Lannan, J. M. Jones and A. F. Spigner. That Burger was present when the search was made, and that the search was made on June 30, 1942. That Exhibit P-76 was the wallet which he had taken from Burger and which contained \$8420 in United States currency. That at no time did Burger object to being searched or to his room being searched.

Questions by the court.

That Burger was arrested in Room 1421 in the Governor Clinton Hotel based on an order received from the Assistant Director of the F.B.I. That witness knew at the time that Burger was suspected of being engaged in a sabotage party. That he searched Burger's room in his presence and after Burger had left the room, it being a continuous search.

Questions by Colonel Royall.

P. 248.

That the billfold was found while Burger was still in the room.

Questions by the Attorney General.

That he found a suitcase identified as Exhibit P-80, in which

there was clothing and a money-belt. The money-belt was identified as being P-79. That there were \$3,550.00 in the money-belt. That he found various articles of personal effects, such as clothing, camera, etc., as well as another piece of luggage, identified as Exhibit P-83.

Cross-examination by COLONEL ROYALL.

That he thoroughly checked the room and bathroom connected with Burger's room for any material that might have been hidden there, and gathered up the effects that Burger left. That he found no firearms of any kind. That he found a small pocket knife, but no other weapons of any kind.

Cross-examination by COLONEL RISTINE.

(P. 365). That Burger said that one of the suitcases was the property of George John Dasch whose initials were on it, and that it was brought into this country when they landed from the submarine.

TESTIMONY OF CHARLES F. LANHAM RECALLED BY THE PROSECUTION,
A WITNESS FOR THE PROSECUTION.

(P. 369). That P-76 was delivered to him by Rice. That it contained a social security card and a certificate of draft registration, identified as P-77 and P-77-A, and P-78. That these exhibits were shown to Burger on June 23rd.

(372). PRELIMINARY QUESTIONS BY COLONEL ROYALL.

That the conversation between the witness and Burger referred to before was begun several days after his arrest at New York. That Burger was confined in New York during the period from June 20th, to June 23rd. That the questioning was started on June 21st, and continued on June 22nd, but that when Burger indicated that he was tired or exhausted, the questioning was suspended. That Mr. Fellner and Mr. Rice were present at different times during the questioning.

QUESTIONS BY THE ATTORNEY GENERAL.

(376). That Burger stated that this social security card was given to him in Berlin, Germany, by Dasch, and that the card at that time was all filled out. That Dasch was the leader of the group. That he did not know whether this card had been made in Germany or was brought to Germany from the United States. That Burger admitted having countersigned the registration certificate which had been first given to him in blank and later filled out by George Dasch, in Berlin, Germany.

(P. 378). That witness had exhibited German marine cap, Exhibit P-22 to Burger, who stated that the cap was worn by him when the submarine put him ashore at Amagansett. That the cap was given to him at the same time he was given a uniform in Berlin, Germany. That Burger stated that the insignia on the cap was that of the German Marine Infantry. That Burger stated that all were issued caps of this sort but that he (Burger) was the only one who got his ashore.

(P. 379) Witness identified Exhibit P-34, P-37, P-35, as being articles of clothing which were shown to Burger and identified by Burger as being articles of clothing worn by him or other members of his party at the time he landed.

That the duffel bag was issued to him at the same time his uniform was issued in Berlin, Germany.

(P.385). (The following statements, are statements by the witness as to what was related to him by Burger). That Burger had buried the duffel bag partially on the beach, leaving the top part exposed so that it would be easily found by anyone who might be searching for it. That Burger identified a pair of shoes, identified as Exhibit P-33, as being shoes that were issued to him as a part of his uniform in Berlin. That Exhibit P-41 was a pair of woolen socks worn by Burger on landing. That P-45 was a piece of paper attached to the duffel bag. That P-38 and P-39 were shovels used by Burger to bury the sea bag, and had been given to him on the submarine. That Burger was not able to identify any of the uniforms as being worn by particular men, except that they were uniforms of other members of the group.

(P.388). (Witness identified Exhibit P-84-A to P-84-J as being photographs of the items which were shown to Burger. Each of the photographs was identified by Burger in his own handwriting.)

CROSS-EXAMINATION BY COLONEL ROYALL.

(P.317). That witness talked with Burger all about this matter over a period of time of several days, and that he had given on direct examination only a part of the matters he discussed with Burger. That the entire result of his inquiries were embodied in a written document which was signed by Burger. That Burger signed two different instruments, one of which was in a large part, a small condensed statement of the other, omitting certain matters. That the statements of Burger on various tabs to various exhibits were part of the whole story which he told, and that there were other facts in connection with the matter stated on those tabs which were stated more fully by Burger.

(P.320). That Mr. Connelley, Mr. Rice, Mr. Spigner and Mr. Jones were present when Burger was arrested. That Burger at that time was lying on a bed with his back to the door, and made no resistance.

(P.325) (At this point the prosecution stated that it desired to call the defendant Burger. After having been advised of his rights, Burger requested permission of the court that he testify later when his counsel advises him to. Burger did not testify at this point).

MR. CHARLES F. LANMAN WAS RECALLED AS A WITNESS FOR THE PROSECUTION.

DIRECT EXAMINATION.

(P.328) That Exhibit P-85 was identified as the statement of Ernest Peter Burger, being 66 pages long, signed by Burger in the presence of the witness, and Special Agent J. G. Fellner. That the statement was signed on June 28, at about 4:30 in the afternoon, and was initialed on each page by Burger, in the presence of the witness.

(P.329). (The statement of Burger was offered in evidence, and was read to the Commission. The following is a summary of the statement of Burger).

(P.330). I was born September 1, 1906 at Augsburg, Bavaria, in the southern part of Germany, and was educated in Germany. In February, 1927, I entered the United States under a quota immigrant visa, and went to Milwaukee, Wisconsin, where I obtained a position at the Nordberg Manufacturing Company as a tool maker, remaining there until the fall of 1927, when I went to Harvey, Illinois and obtained a position with the Buick Diesel Motor Company. In the spring of 1928, I moved to Detroit, Michigan and obtained a job in the Briggs Manufacturing Works as a tool and die maker.

(P.331). During my stay in Detroit, I studied English. During the summer of 1929 I paid a visit to Germany of four weeks, paying my own passage to and from Germany, and on my return to the United States, went back to Detroit. While I was in Harvey, Illinois, I declared my intention of becoming a citizen and for the trip to Germany and return, I obtained a re-entry permit from the United States Government. Upon my return, I enlisted in the Michigan National Guard on June 17, 1931, and remained a member of that organization until October 22nd, 1931, when I was honorably discharged, due to the fact that I was moving back to Milwaukee. As a result of the statement made by Captain Jackson, the Commander of my Company in the National Guard, that he wanted to form a Machine Gun Company composed of former German soldiers now residing in this country, I went to see some Germans belonging to an organization located at the Deutsche's House in Detroit, Michigan, but could obtain no sympathy there, and was told that I was no German and that my idea was not one of working for the fatherland. On November 6, 1931, I re-enlisted as a Private in Company K, 127th Infantry, of the Wisconsin National Guard as a volunteer act of my own volition, and not as a result of anything said to me by anyone in Germany.

(P.332). In 1933, I was called out with the National Guard in Racine County in May or June. My family, having heard that I was out of work, sent me a ticket to return to Germany.

Up to the time of my departure from Germany, I was a member in good standing in the National Socialist Party to which I belonged since February, 1933. I was the participant in the original "Beer Hall Putsch" in 1923. Prior to my actually joining the National Socialist Party, I was a volunteer in the Freikorps which was organized to fight the invading Poles in Upper Silesia in 1921. After coming to the United States in 1927, however, I did not engage in any activities, or attempt in any way to further interests of the National Socialist Party in the United States. At this time, I did not really believe that Hitler would ever gain control of the German Government and went to the extent of bringing my childhood souvenirs with me to this country. Part of my reason for coming to America was due to the fact that the remaining party members were being oppressed and I was constantly under the fear of terrorists acts and fear of imprisonment and the party had become reduced in number to about one hundred thousand and I felt that there was very little future in remaining in Germany.

Upon my return to Germany in 1933, I went directly to Augsburg, where I rejoined my family and remained until the fall of 1933. I then joined the party, but did not get my old party membership number.

I went to Munich in the fall of 1933 and was assigned to the Chief Adjutant's Office, attached to Chief of Staff Ernst Roehm, who at that time was Adolf Hitler's right hand man. I traveled as an aide-de-camp to Roehm and Bergmann, and also to other leaders on Roehm's staff.

I remained there until June 30, 1934, when Roehm was shot by the S.S. I escaped massacre because at that time I had been loaned to the head of the Medical Division of the G. A.

(P. 338).

I thereafter left the S.A. and went into the Political Division of the Reichsleitung, which is the highest political division in the party. I therefore began to form my plans to eventually escape from Germany.

At this time, I was living in the same house with Miss Eva Chuetz and her mother. Miss Chuetz was the secretary to the Chief of the Associated Press Bureau in Berlin, whose head was Louis P. Lockner. I gave her tips on certain events in Germany, for instance, the invasion of Austria, and discussed freely with her and her mother, party conditions and conditions in general in Germany, and told her she might use the information I gave her for the Associated Press. Before she left Germany, I asked her whether or not she could, or her friends, be of any help to me to escape from Germany. She tried, but was of no help. I met Lockner, her boss. Miss Chuetz left Germany, and is residing in London, and can confirm the story that I tried to get her to help me escape Germany.

My work in the particular division in which I was assigned in Berlin consisted of journalism and propaganda for internal consumption. I attended the University of Berlin, taking courses in journalism and Geo-politics, and obtained a diploma in July, 1939. My professor was Haushofer, Jr., who took a fatherly interest in me.

(Par. 341). That one week after graduating from the University of Berlin, I married Bettina Luscher, who is now residing in Wuersburg with my parents.

I was assigned by Professor Haushofer to do confidential work in Czechoslovakia, which I did. On September 1, 1939, when war broke out, I immediately applied to Haushofer for a chance and an opportunity of travelling to the United States, where I knew I would have a chance to carry out my old plan against the new regime in Germany. By this time, I not only wanted to get away myself, but also wanted to get my wife away, and had the idea that I could organize from the United States the old S.A. members who had fled from Germany and were scattered all over the world. The Gestapo refused my wish because of my old S.A. record, and in November, 1939, I went to Poland as a special reporter to observe general conditions in Poland and war activities of party officials. In December, 1939, I returned to Berlin and returned to Poland in February, 1940. I became involved there in difficulties with the Gestapo, and was arrested and held by the Gestapo for seventeen months. For the first five weeks, I was in prison at Grandents, Poland, and was then transferred to a prison in the Gestapo Headquarters in Berlin, where I was held for five or six weeks, and then turned over to the Justice Department. The Justice Department finally dropped the charges against me and I was returned to the Gestapo, where I was held in a prison for one year. I later found that during this period, the Gestapo had visited my wife who was pregnant

at the time and told her that because of stealing money, I would receive a sentence of eight years in a chain gang. As a result of this, my wife had a miscarriage. The Gestapo also told her to get a divorce from me.

I was released on July 22, 1941, and told by the Gestapo I had to report to the Army immediately, and to put in an application for re-entry into the Nazi party. During the time of my confinement, I planned with Jose Mueller, a man from Chile, that if he and I ever escaped from the hands of the Nazis, we would go to Chile and organize a propaganda bureau against the Nazi Government and attempt to show the world just what conditions really are in Germany. I also promised Mueller that if I was released before he was, I would attempt to obtain money from his family, who were also in Germany, but not in jail, and bribe the guards and obtain his, Mueller's, release.

After being released and prior to reporting to the German Army, I went to the Army Headquarters on the Tirpitz Ufer and offered my services to the Intelligence Department of the German Army in any capacity in the United States, my idea being to be sent over to the United States so I could get out of Germany. I was unsuccessful, and was ordered into an Infantry Company and sent to a prisoner of war camp outside of Berlin, where I did guard duty. The captain of the company to which I was assigned knew the details of my case from the Gestapo reports and told me frankly that I would never have any chance for promotion in the ranks of the Army.

(B.349) When the United States entered the war, a factor arose which further strengthened my resolve to leave Germany. I, being a citizen of the United States, felt that my duty was to the United States. I told my wife of this, and she agreed with me and said she would leave Germany with me.

In February, 1942, I received a letter from the German High Command, instructing me to report to the Tirpitz Ufer in Berlin. I went there, and on April 5, 1942, received a notice to turn in my uniform and report in civilian clothes at a special school near Brandenburg. I arrived at the special school on April 11, 1942, and was shown my quarters and told who would be my companions. The first person I met was a person who subsequently developed to be Werner Thiel, who stated that he had left the United States with George Dasch on the same boat, and distracted George. The second man was George Dasch, and he invited me to take a walk with him on the estate. George gave me information as to what courses would be pursued and what we would do when we finished the school, stating that we would be landed upon the Eastern shores of the United States. I told George I was in trouble with the Gestapo, and George said he knew about this and would talk to me later on. I later became acquainted with Herman Neubauer, who had been in the German Army in Russia, who was married, and whose wife was probably in Berlin. I later met his wife in Berlin, and she talked perfect English, but I am unable to state whether she ever lived in the United States. The next person whom I met was named Scotty, who was not trusted by anyone, and later dropped out of the course. I also met Ernest Suber, who had been a subordinate officer in the German Army in Russia. Suber told me he had been deported from New York City because of his activities in connection with the German-American Bund. I learned that Walter Kappe was the head of the school and was the former editor of a German language newspaper in New York City.

(Par. 355). Kappes told me that Reinhold Barth was his right hand man and would precede him to the United States to take charge of all the groups which were sent to the United States. Barth will come to the United States and establish headquarters at Chicago.

Next person I met was Kerling, who was leader of the second group. His wife resides in New York, and he, himself, is an old party member of the German-American Bund in New York City. Kerling had in his possession a medal given him by the party in Germany for having a long membership in the party.

The next man I met was Herbert Haupt. He was in the nature of a playboy, and returned to Germany in March, 1943, with one Jerry Swenson, through Mexico to Yokohama, Japan, on a German freighter running the blockade, and from Japan to Germany. Haupt had received a medal from the German Government for breaking the blockade and also the Iron Cross, 2nd class, because he had been vigilant in spotting an enemy ship and in running the blockade in returning to Germany. Haupt's father is president of Deutscher Tag Society in Chicago, which means the German Day. Haupt said he went to high school in Chicago and studied optometry. Haupt is very dangerous. He was formerly a wrestler and a boxer and is extraordinarily strong, he is cunning, but not intelligent, extremely interested in money.

The next man I met was Heinrich Heinck, who came to the East Coast of the United States with me with our group. Heinck was from a section of New York City called the Bronx, and was the slowest witted member of our class. In New York City, he was the leader of the Bund. Heinck is married and has a wife and child in Germany. Heinck returned to Germany either shortly before or shortly after the war broke out in 1939, by way of Yokohama, Japan. Heinck was born in Hamburg, Germany and came to the United States in 1925. He appeared to be constantly under a state of fear throughout the entire trip to the United States, and after our arrival was very apprehensive that he would be caught.

(P. 361) The last man of this group besides myself was Richard Quintas, alias Quirien, who comes from a family that resides somewhere in the vicinity of Berlin. His father was an officer of the German Army. He is married and has a wife and child located somewhere in Germany and his mother is living in Berlin. Quintas resided in the United States about fifteen years, during which time he was engaged as a tool maker, house painter and as a domestic in New York City. He was a member of the Bund. He is intelligent, audacious, fanatically German and loyal to the party.

The first evening at the school was purely social. The school began on the following Monday, and we were instructed in various courses of chemistry and methods of sabotage. (Burger described his courses and methods of sabotage, chemicals and explosives in detail).

(P. 389) From the very first, I noticed that Dasch had difficulty with the court and difficulty with the instructors. He would keep his hands in his pocket, and when it was necessary to stand at attention and "Heil Hitler", and as a result of this, everyone became suspicious of Dasch. It appeared to me that he was

attempting to find out just how far he could go against the authorities at the school without being fired. Dasch later explained the situation to me as being caused by the fact that his nerves were beginning to upset him, and he couldn't force himself to go through with something that he really hated and despised.

(P.393). Kappe took my naturalization certificate on the back of which was the rubber stamp impression "Passport issued", showing that I had left the United States in 1933 to return to Germany. This was returned to me with the stamp removed, and I was instructed that I was to state that I had never left the United States.

(P. 394). Each man was furnished by Kappe with a false draft registration card, with the exception of Haupt, who was too young. Haupt was instructed to register for the draft. I do not know whether the cards were actually made in Germany or brought over from the United States. We were also supplied with false Social Security cards by Kappe. The Social Security cards were filled out by typewriter when we received them. The draft registration cards for our group were filled out in ink by George Dasch.

(P.401). We were all instructed to watch Herbert Haupt as he was not trusted, and the teachers believed that if he got a chance to double cross the group after his arrival in the United States, he might do so purely for money.

(P.403). At the end of the school, George Dasch was officially made leader of my group, and Eddie Kelly was officially made leader of his group. At this time our group consisted of Dasch, Quirien, Heinok, Svensen and myself. Group 2 consisted of Kelly, Haupt, Neubauer and Thiel. Kappe announced that I had been in the hands of the Gestapo for quite a while, but that he had full confidence in me because it was my aim to rehabilitate myself and asked the others to have the same confidence. From that time, I was closely observed and questioned by Quirien and Heinok, as to what the real reason had been for me to take part in the undertaking. I explained this on the grounds that the German Government and the Gestapo are not the same, that this organization was in competition with the Gestapo.

Before we left, everyone was called into Kappe's office individually and questioned by Kappe as to his income before joining the school, and in my case, before joining the Army. My salary as a member of the party had been 900 marks a month. This was cut off when I was arrested by the Gestapo, and my salary as a private in the German Army was one mark a day. Kappe told me as long as I was with the Army, he would have to pay me Army pay, but would give me the chance of getting discharged from the Army and becoming a private agent in his organization. Hermann Neubauer was also in this same position, but was not given the same proposition. I learned later that Heinok and Quirien received 600 marks a month which are paid to their families in Germany. Thiel received less, which I think is about 300 marks a month, which is deposited to his credit in the Bank in Germany. I do not know what salaries are received by the rest of the boys. I refused to accept this salary and stated that my main reason for taking this job was to rehabilitate myself in the eyes of the party. Written contracts

were drawn by Kappes, which each of us had to sign. My contract stated that a complete rehabilitation would be made of my personal honor in appreciation of services rendered and stated that I had volunteered for this service. However, it was made part of the contract that if I was disabled in any way, my salary payable to my wife would be decreased in accordance with my disability. The contract also carried a clause that I was to keep silent for a lifetime about everything in connection with the work in which I was engaged. The penalty for violating this clause was death. I instructed my wife as to where I was going, but not about the kind of work which I was expected to do. I also gave my wife a password, and when this was given to her, she was to immediately follow the instructions of the person giving the password. Although it was forbidden, before I left the submarine at Amagansett, I managed to bribe two of the sailors to see that she received letters from me which I wrote just before we landed at Amagansett.

(P.411). After getting to know George Dasch, and making the plans with him concerning our actions in the United States, I told him about information I had received to the effect that the Gestapo watched all agencies of the F.B.I. in America. This was the reason why George and I did not come to the New York Office personally but went directly to the Washington office, and is also the reason we called the New York Office by telephone, giving the code name of our undertaking Georg David Pastorius.

The plan of our group upon arriving in the United States was to proceed directly to Chicago. I was to establish a studio as a commercial artist, and then insert in the Chicago Daily Tribune on the 1st and 15th of each month an advertisement, giving my name and address, and the nature of my work, and stating that I was available for work of this nature. The others knew about this, and in case all other means of communication failed between the group, it was to have been the last resort used to contact each other. It was planned to make Chicago the headquarters of all groups in the United States, because we had information that Chicago seemed to be the city that was most tired of the war.

(P.414). When school was over, I took my wife, who had remained in Berlin to my parents' home in Wuerzburg, Bavaria, where I remained with her up to the 11th of May, leaving on that date for Berlin, where I arrived on the 12th.

The boxes were prepared then and shown to us. We stayed in Berlin from May 12th to May 22nd, because there was no submarine ready to take us to the United States. During that interval, we were issued German Army fatigue uniforms, shoes, cap and socks, and were told we were to wear these uniforms until we actually landed on the shores of the United States, so that if we were captured in landing, we would be treated as prisoners of war because of our identity, although as a matter of fact, only Neubauer and I were previously German soldiers. We were told shortly before leaving that members of the group who were not German soldiers, had been assigned to various units of the German Army in order to carry out this pretense. Each group was issued a large sea sack with instructions that upon returning to the United States shores, if we avoided detection, our uniforms were to be taken off and put into the sea sacks and returned to the submarine by the boat on which we had landed from the submarine. We put on the uniforms at Lorient, France. We departed from Berlin on May 22nd for Paris, where we remained until May 25th.

(P.416) Dasch told me that he talked with a man named Von Scheible in Paris about his plan to come to the F.B.I. upon

Dasch's arrival in the United States and disclose all this information, and he wanted to give the F.B.I. this man's name to prove he had the intention of coming to the F.B.I. even before he arrived here. On May 25th, we left Paris for Lorient. On the train from Paris to Lorient, George Dasch lost his pocketbook with all his identification papers and also his pipe. We arrived at Lorient the next day and were taken to a hotel reserved for officers of the German Navy. Kerling, the leader of the second group, was given his money and final instructions by Kappe. Kappe took the second group to the submarine on May 27.

(P.420). After the second group left, Dasch and Kappe got into an argument about whether the group should engage in any activities in the United States for three or four months after their arrival there, as Dasch wished to do. During which argument it was also agreed that I would go with George Dasch.

(P.421) We boarded the submarine on May 28, Dasch carrying all the money with him. The day before we landed on Long Island, George gave each of us a money belt which was supposed to contain \$4000.00 each. We also received, one day before our landing, \$419.00 in small change to be used for our initial purposes after our arrival in New York.

(P.426) During the trip, Quirien and Meinck seemed to get very well acquainted and would cease talking when George or I approached.

(P.427) When we arrived off Long Island, it was so foggy that nothing could be seen. Thereupon the submarine submerged and we remained under water until dark. All four of our group, in addition to the four boxes and the sea bag, were loaded on the boat. Prior to leaving the boat, the question arose as to what we should do if we encountered any patrol on the beach. We were instructed if any patrol were encountered, if we could, we would overpower the patrol by force with the aid of the sailors, who would then take the patrol back to the submarine. The idea was to land the captured patrolman at some other spot on the United States Coast.

(P.428) When we boarded the rubber boat to come to shore, we were dressed in our German army uniforms and our civilian clothes were in the sea bag. Before leaving the submarine, every one of the group had to go through the pockets of the uniforms and the civilian clothes to be sure that there was nothing of German origin in the uniforms or suits. I managed, however, to conceal a partially filled bottle of schnaps and a package of German cigarettes.

We left the submarine about one o'clock in the morning, and I believe we were about 250 yards from the shore. At the beach the fog was still very thick. The first person out of the boat was a German sailor who dragged the boat up onto the beach. Then the men in the boat proceeded to unload the boat. I was last to get out because I was sitting in the stern of the boat, and I was carrying George Dasch's suitcase. As soon as the boat was unloaded the other boys started carrying the boxes up toward the bank at the back of the beach, and George made a wide circle around the spot where we landed, to see whether there were any guards there. Richard and Henry immediately began throwing sand over the boxes so that if anybody came along the beach they wouldn't see anything. I placed a package of German cigarettes at the water's edge, my intention being to leave

a clear trail from the edge of the water to the spot where we would bury the boxes of explosives so that later on they could be discovered by any patrol passing that way. Henry and Richard didn't know anything about this.

(P.429). I next placed the bottle of schnaps a little farther up the beach, and opening the sea bag, took out a raincoat which I laid on the sand, and placed on it all the bundles in the sea bag for each man. Richard and Henry immediately began changing from their German army uniforms to civilian clothes. About this time I threw my cap away. This cap bears the insignia of the German Marine Infantry. Richard, Henry and I moved all the boxes and sea bags over to a fence. During this time I had taken off my German Army coat and put it in the sea bag and Richard and Henry had put their uniforms into the sea bag. I then started back to the boat with the sea bag. The coat to the uniform I wore was the only one that had a belt on it.

(P.430). Half-way down to the water's edge, I heard George talking and came up to him and saw him talking to a man who was the beach patrol. I said something in German to George to the effect that he was certainly a fast worker. George told me at once in English to get back to the boys and stay with them. As I recall, his words were, "Don't you see, everything is all right. Go back with the boys and stay with them." I took this as an order from George not to follow the instructions to overpower any patrol we found on the beach, and went back and kept Richard and Henry from doing anything about this. Had we so desired, it would have been quite easy to overthrow this sailor because he was apparently unarmed. I learned later that George had managed to send the two sailors in the boat back to the submarine when the Coast Guard man arrived. While George was talking to the sailor, he was dressed in his uniform pants, and had on the shirt, tie and vest of his civilian outfit, and a brown fedora hat. Richard wanted to get up and follow the orders given us by the captain, but I told him that George had ordered us not to. Shortly, George came back, and we started to move immediately up the bank with all our clothing and boxes. On the top of the bank, we all finished dressing and started along the top of the bank, parallel to the edge of the water. Prior to this time I had moved the bottle of schnaps to the foot of the bank, near the fence, and while moving along the top of the bank, I dropped numerous small articles which had been taken out of the sea bag, such as socks, shoes, a vest and bathing trunks. The raincoat was left at the spot where we had originally assembled on top of the bank.

(P.431) We then buried the boxes and sea bag. George told me and Henry to carry the bag to some hidden spot. I dragged the sea bag through the sand purposely to leave a track which could be later identified and stopped outside of the depression on a grassy spot, further inland. Henry and I then dug a hole in which to bury the sea bag. I told Henry that I would finish the job and he returned, thereupon I left the bag sticking out so it could be easily found. Also leaving a spade lying openly on the same spot. Henry and I then went back and joined the others. We then moved further inland and waited until it became light. At this spot George changed from his army trousers to his civilian clothes and gave me his trousers to bury. However, I rolled them up and laid them on top of the ground at a spot about ten yards from where we were gathered. As I had two registration cards, I tore one of them up and left it lying on the ground.

(P.433). As it became lighter, we could see that we were very close to a radio tower, and we heard the surf near by, so we moved in the opposite direction, and finally came to a railroad track. We went along the railroad track and arrived at the railroad station in Amagansett about 5 a.m. We waited at the railroad station until 7:30 and the train came through. In the meantime, the ticket window at the station had opened, and George bought four tickets for Jamaica.

(P.435). While we were walking up the road, George told me the man he had met on the beach was a member of the United States Coast Guard, and that I should remember that his name was Frank Collins, as I would have to use the name later. He also told me that he didn't want the man to be harmed, and had given him \$300.00, and that he had explained to Collins that Collins would hear about this matter, meaning the landing on the beach, from Washington, later on. George said the Coast Guard man had wanted him to go with him to the Coast Guard station, but he told him that he would hear about the matter from Washington, and had given him the money, the Coast Guard man let him go. George also told Collins that we were fishing.

(P. 435). After arriving in Jamaica, we separated into two groups, George and I in one, and Richard and Henry in the other.

(P.436). George and I checked in at the Hotel Governor Clinton and later met Richard and Henry. During dinner that evening, George and I discussed the various jobs which we had been instructed to do in the United States and the political situation in Germany, and George also expressed to me some of the difficulties and hardships which his relatives were going through in Germany. I told George some of my experiences, and he finally declared he had a plan which he thought would keep us out of difficulty over here, and avoid all trouble and help our people back in Germany. This convinced me that George was against the present regime, as I was, and that he did not wish to carry out the orders as received. At this time I told him that I knew what he wanted to do and that our intentions were similar. George told me he would explain his ideas to me on the following morning.

(P.437). The following morning, I met George and we resumed our discussion. He told me he was 17 years of age when he volunteered for the German Army in World War No. 1, and was converted to communism. After the war, he came to the United States and worked at various jobs, finally becoming actively engaged in union politics. During this time, he investigated numerous political ideologies and finally came of the opinion that the ideology of the National Socialist Party of Germany was that which more nearly coincided with his own. He further stated that he had married an American girl and declared his intention of becoming a citizen, but the second world war broke out in Europe and he did not want to appear yellow and as long as he was not a United States citizen, decided to return to Germany and find out what it was all about. George stated to me that he returned to Germany by way of San Francisco, Honolulu, Yokohama and Russia, obtaining his passport through the Japanese Consulate in New York City.

(P.438). George stated that he left his wife and went to Germany as above stated. That Werner Thiel was on the boat. That other Germans on the boat became suspicious of George. When George arrived in Germany, he found conditions very bad, and quite different from what he expected, and as a result of investigation, decided he did not belong in Germany and made up his mind then and there to escape and seek help in having the right type of propaganda directed to the German people, which he believed would result in the overthrow of the present regime. He obtained a position in the foreign department of the Reich government to prepare propaganda for use against the

United States. Through this position, he became acquainted with Walter Kappe. During the time of this position, George was able to examine all the reports given by voluntary and paid German agents in the United States, or other agents working for Germany in the United States and Bund members who had returned to Germany. George assisted Kappe in selecting the men for the first school. He knows the names of men chosen to attend following schools.

(P.441). After George's narrative, I told him my story of the old A. A., and that I did not to carry out the orders that had been given to me and about how I planned and left the cigarette box, the bottle, the rain coat and all the small items in the sea bag on the beach where we had landed from the submarine. This was in response to a question by George whether I had any intention of going through with the orders given by Kappe. I also told George that it was probable by this time the boxes had been found, and it would be impossible for any of our group to immediately carry out our orders. George indicated his agreement to my ideas.

(P.443). We found that Richard and Henry had not registered at the Chesterfield Hotel as they agreed to do, and this aroused our suspicion. As we were informed in Germany that all officers of the F.B.I. were being watched, we were afraid to go directly to the New York office, but during the afternoon, we decided to call the F.B.I. office at New York and give them a code word which we could use in Washington the following Thursday.

(P.445). We met Richard and Henry that afternoon at Grant's Tomb, at which time Richard wanted to go on to Chicago immediately. George refused to do this saying that he had an important conference coming up and we would all have to stay in New York until he was ready to leave. Richard stated that they were going to move from the hotel where they were because they did not feel safe.

(P.445) After leaving Richard and Henry, George telephoned the F.B.I. about 7:30 p.m. Sunday evening. He told me that he had talked to the F.B.I. office and had told them that he had just returned to Germany and intended to go on Thursday into Washington to see Mr. Hoover on an important matter. That he had told the agent to make a note of the call, so that this notation could be referred to later on. That he had not come to the New York office because he was afraid to do so, and had refused the offer of an agent to come and get him. That he had given him the name of Georg David Pastorius. I believe that one of the reasons why George did not desire to go to Washington until the following Thursday was that he had bought some clothes which he would not get until Thursday, and wanted to formulate plans for the presentation to the proper authorities in his lineup, in Washington, outlining the procedure for a propaganda campaign against Germany. He stated he thought the F.B.I. would believe our story because we were asking for no award and because we would be able to assist them in locating the material and the members of both groups as well as those who would come over later. On Tuesday or Wednesday, I purchased a camera and some photo supplies.

(P.450). From that time until Thursday, I met Richard and Henry alone several times. They were both angry at George for not coming to meet them, and I had difficulty keeping them under control.

(P.451). George left on Thursday having paid my hotel bill, and having left a note for me telling me that he had gone. I went out with Richard that night and he returned to Hotel Governor Clinton with me, and took a room for the night. The next morning

Richard quarreled with me about the way George and I were living. He left me and I saw them again that night, and they came to my room, after dinner. While I was in the bathroom, I saw Henry open the drawer of my writing desk and take out the letter which George had written telling me he was going to Washington. He read the letter and handed it to Richard, and then returned it to the drawer. We thereafter hurriedly left the hotel, and neither said anything about the letter.

(P.453). I stayed in my room until 3 o'clock p.m. the following day, Saturday, June 20th, and then went to a Rogers Peet clothing store near 8th Avenue and 42nd Street where I met Richard and Henry. I made an appointment with them to see them the following Monday, and returned to the hotel, leaving the room door unlocked, as I had done ever since George left the hotel, because I was expecting the F.B.I. agents at any time.

(P.454). At about 5 o'clock, p.m. the F.B.I. agents came.

I never had the intention of carrying out the orders given to me by officials of the German government in connection with the mission on which I was sent to the United States. I have every intention of fighting against the present German regime to the best of my ability. I want to do this not for reasons of personal profit, but as a result of my own personal convictions. I am willing at any time to co-operate to the fullest extent in any way possible to assist the United States Government in fighting the present German regime.

(End of Statement).

CHARLES F. LAMMAN, A WITNESS FOR THE PROSECUTION, WAS
RECALLED TO THE STAND.

CROSS-EXAMINATION BY COLONEL ROYALL.

(P.462).

That a period of about four or four and a half days there were taken up with the preparation of the statement of Burger. The date of the statement represents the day on which the statement was commenced, which was June 25th (Col. Royall stated that it was the 23rd). That the statement was taken between the 23rd and the 26th, and then was gone over by the defendant for errors and corrections, and was signed on the 26th. That as much as possible, the defendant Burger was allowed to dictate in his own words, although there were times when even Mr. Fellner or I would dictate because of his inability to express himself clearly. It was gone over later by Burger, and the discussion prior to the preparation of the statement were not reduced to writing but were embraced in the later writing. The basis of the entire statement was questions and answers. That Burger freely and fully answered all questions which were addressed to him. That Burger stated that he was expecting the F.B.I. to come and that he had received a communication from one of the other defendants to that effect, and that he had remained in his room almost constantly since that time. That Burger made no request for a reward at that time of any kind, and did not indicate that he was acting under any stress or fear. That no other defendants than Berch had been apprehended prior to the time Burger was taken, or so Burger believed at any rate. That the information as to how and when Burger entered the United States was given on the first evening, and Burger also said on the first

evening that he left America for Germany because of his difficulty in obtaining employment during the depression, or if not the first evening, the second day, or third day. Burger first told him of the treatment he had been given by the Nazis in Germany on the first or second day. That Burger told him that he had formulated a plan to escape from Germany at about the same time. That Burger told him his desire to return was intensified by America's entry into the war several days later. That he told on the first evening of his various efforts or plans to get out of Germany before this present situation arose. He stated from the beginning that it was never his intention to carry out the plan which was given him in Germany. That he, from the beginning, told of his plan to expose this plot and make possible the apprehension of its participants and that he had insisted on using his own name instead of an alias. That it was some time after the questioning started before Burger discovered that the material and boxes had been found, and that he had told of the traces which he left in the sand prior to this time, as well as the various articles which he had left on the beach. That the sea bag was such a size that a person could have carried it without dragging it, if he so desired. That the information and diagrams as to the various types of explosives and detonators were given after the statement itself was actually begun, although he had indicated previously that he would such details when requested. Information of that type was given freely. That Burger gave information in respect to possible sabotage, and espionage freely.

REDIRECT EXAMINATION BY THE ATTORNEY GENERAL

(P.474).

(Witness identified Exhibit P-87 as being the letter alleged to have been left by Dasch for Burger)

END OF REDIRECT EXAMINATION

(At this point, counsel stipulated that Dasch was taken into protective custody on June 19, at 10:30 a.m., and was actually arrested on June 24 at 8 p.m.; that Quirin was arrested on June 20; at 5. p. m.; that Heinck was arrested on June 20, at 5:15 p.m.; that Burger was arrested on June 20, at 5:30 p.m.; that Kerling was arrested on June 23, at 10 p.m.; that Thiel was arrested on June 23, at 11:30 p.m.; that Haupt was arrested on June 27, at 9:08 a. m.; and Heubauer on June 27, at 6:45 p.m.

CROSS-EXAMINATION BY
COLONEL RISKIN.

(P.475). That it was not very long after the questioning started that it developed that Burger and Dasch were working together to the common end of communicating these matters. That Burger stated that Dasch had called the F.B.I. in New York and had then come to Washington, and that he and Dasch thought it was better to communicate directly with Washington rather than New York. That the reason for this was that they thought the local office of the F.B.I. was being watched by the Gestapo.

(P.480). That as much as possible, everything that was said was reduced to writing. That it is witness's understanding that Dasch first told Burger of his, Dasch's, conversation with Von Schaefle after they had come to the United States (P.484). That the first discussion concerning their plans after their arrival in the United States occurred after they did arrive. That witness's first recollection about Dasch's statement concerning his hardships in Germany was given to Burger in New York. (At this point, witness read from page 33 of Burger's statement that it was during one of

the tests in Germany that he and Dasch first got together and he began to get some idea that he was not the absolute Nazi that he pretended, that is Dasch.) (At this point, Colonel Royall read the following from the last page of Burger's statement: "I never had any intention of carrying out the orders given me by officials of the German Government.").

TESTIMONY OF MR. NORVAL D. WILLS, SPECIAL AGENT OF THE
F.B.I., OF THE NEW YORK OFFICE, A WITNESS FOR THE PROSECUTION.

(P.498). That the witness saw Dasch on the morning of June 25, 1942, in room 3250 of the Department of Justice Building, at which time Dasch had a brief case containing \$82,550.00. That Special Agent Duane L. Traynor and Special Agent Frank G. Johnstone were also present. That Johnstone and himself brought Dasch in from Room 351 of the Mayflower Hotel. (Witness identified Exhibit P-92 as the brief case containing the money). That they also took \$160.17 from Dasch. That Dasch stated that this money was part of the money which had been given to him by Lieutenant Kappe, who was associated with the German High Command and the one who had interested Dasch in the Sabotage School.

(P.503). That Exhibit P-93 is a statement dated July 2, 1942 which Dasch refused to sign. That the statement was not taken in his presence, but was dictated by Johnstone to include matters which Dasch had stated. That the dictation was not in the same room where Dasch was present, but was brought back, and Dasch then read it. That Dasch refused to sign it, and stated that he wanted to appear before the court.

(P.504). That Exhibit P-94 is a summary of the objections made by Dasch. That the two exhibits together correctly express what Dasch said to witness. (Witness refers to the recollection by reading the two exhibits.) (On objection by Col. Ristine, the Exhibit P-93 and Exhibit P-94 were not admitted in evidence.) (P.506 and 509).

(P. 516). That Dasch stated to witness that he was born on February 7, 1903 at Speyer, Germany and that during the last World War he served with the German Army, after which he returned to Germany, and during October, 1922, came to the United States as a stowaway. That he thereafter contacted the Immigration and Naturalization Service, and returned to Germany, and then made a legal entry into the United States, being absent approximately about thirty days.

(P.517). That he enlisted in the United States Army during 1927, and went to Honolulu in the Aviation Corps and was discharged after one year, one month and ten days service. In 1930, he returned to Germany for a couple of months and then came back to the United States, returning to Germany during the same year, where he remained for a period of three or four months, and again came back to the United States in the spring of 1931. That the last trip to Germany, which included Switzerland, Italy and other countries in Europe was for a visit. That he remained in the United States until March, 1941, during which time he was a salesman for Sanctuary Supplies.

(P.518). That in March, 1939, his mother came over, and during

August or September, 1939, she returned to Germany, after she had heard that Germany and Russia had signed a pact. That at that time the defendant Dasch had pending naturalization papers, but since Germany was at war and he was a German National, he said he did not want to feel like a rat, so he made efforts to return to Germany. That he contacted the German Consulate in New York, and after a length of time, he sailed from San Francisco on a Japanese boat, the Tatuta Maru, on March 27, 1941. That the German Consulate gave him transportation from New York City to San Francisco, and from San Francisco to Japan, and he was given transportation money in Japan by the German Embassy in Tokyo. That he left Tokyo on April 22nd and proceeded through Russia, after having signed a voucher showing his indebtedness to the German Government. Dasch's reason for returning to Germany was that if he remained in the United States with Germany at war, and he being a German National it would make him look like a rat and he wanted to return to Germany for that reason. Furthermore, his mother at the time she was here, had told him that Hitler had done well in Germany and he wanted to go over to see for himself. That going over on the Tatuta Maru, Werner Thiel was also present. That he went through Russia and entered occupied Poland at Malkinia on May 13, 1941, whence he went to Berlin and registered with the foreign association. That he then went to Stuttgart.

TESTIMONY OF LIEUTENANT COLONEL MARSHALL C. POTTER, 104TH INFANTRY, ATLANTIC BEACH, FLORIDA, A WITNESS FOR THE PROSECUTION.

(P. 534). That witness was the executive officer of the 104th Infantry, Atlantic Beach, Florida. That his superior was Colonel John J. Higgins in the Southern Sector, the headquarters of which are located at Jacksonville, Florida, and commanded by General Loomis. That Exhibit P-95 is a field order which was issued by the Commanding General of the Southern Sector on April 10, 1942, and is still in effect. That Exhibit P-96 and P-97, being orders dated June 3rd and 4th, respectively, are still in effect, and were in effect on June 17th. That these orders covered Punte Vedra Beach, which is just south of Jacksonville Beach.

TESTIMONY OF NORVAL D. WILLS RECALLED BY THE PROSECUTION, A WITNESS FOR THE PROSECUTION.

(P. 531) The preliminary examination by Colonel Ristine.

(P. 541) That witness was present on June 27th, when a proposal was made that Dasch should plead guilty. That a part of the proposal was that after his plea of guilty, Dasch would be sentenced, and that during the trial, he should not divulge anything in respect to the agreement, and that after the case had died down and for about three to six months, the F.B.I would get a Presidential pardon for him. That the proposal was given to protect the father, mother and relatives of Dasch in Germany, or in German occupied countries from harm. That witness, with others, made efforts to persuade Dasch to agree to go through with it out of consideration for his father, mother and relatives.

(P. 543). That witness first saw Dasch on Sunday, June 21st. That prior to that time he had been interrogated by others, and that witness was furnished a copy of the interrogations up to that time. That between this time and the time the 234 page statement was signed by him, he was interrogated three and a half days. That the statement

was signed on June 25th and the proposal that he plead guilty made on June 27th. That Exhibits P-94 and P-95 were presented to Dasch on July 2nd, subsequent to the proposal that he plead guilty.

QUESTIONS BY THE ATTORNEY GENERAL.

(P.544). That Dasch came down voluntarily to the F.B.I., and that so far as witness knows, no promises were made to him in respect to what was to be done to him by witness. That Mr. Donagan indicated to Dasch that he might wish to plead guilty in a Federal District Court. That at first he said he would plead guilty, and on the next day, he said he would not. That on June 27th, two proposals were made to Dasch;

(P.551). That the portion of statements which witness had previously made, which were made to him subsequent to June 27th, dealt with Dasch's attempts at being naturalized, his service in the United States Army, and the marriage to his present wife, and his birth.

QUESTIONS BY COLONEL ROYALL.

(P.552).

A stenographer was present during the time defendant Dasch was being interrogated. That witness's statement had not included all irrelevant details told him by Dasch, but included those that the witness thought were relevant.

QUESTIONS BY THE ATTORNEY GENERAL.

(P.571). That witness would testify only with respect to such statements as were made before June 27th, 1942. That Dasch admitted that he went to a sabotage school at Quentz, Germany, which is near Brandenburg, at which school were Werner Thiel, Heinck, Neubauer, Kerling, Quirin, Burger and Haupt, as well as Ernest Baker, a man named Scotty, and a person named Dempsey and Braubander. That Dasch was the leader of one group, which consisted of Burger, Heinck, Quirin, and that Kerling was the leader of the second group, which consisted of Haupt, Neubauer and Thiel. That they were given instructions by Professor Koenig and Dr. Schultz. That following this school, Dasch and Kerling were given instructions about using secret inks, and that each wrote his address on separate white handkerchiefs. That the handkerchief which Dasch had was shown to witness in Dasch's presence, who identified it as the handkerchief described.

(P. 573). That at Lorient, Lieutenant Kappe turned over to Dasch some money belts containing money for each of the men in his group, and a suit case which belonged to Dasch, containing \$80,000.00. They left Lorient May 28th. That they landed from the submarine at Amagansett on June 13th. That on landing, Dasch had a long paddle and stated that when he felt bottom, he rushed from the boat and helped pull it to the beach.

(P.576). That upon landing, he went up on the beach to get his bearings, and saw lights. That the rest of the boys had taken the explosives and clothes out of the bag, and put them on the beach. Dasch saw a person approaching whom he recognized to be a sailor or coast guardman. That he then went down and asked the coast guardman where he was, and whether it was Southampton. The Coast Guardsmen stated he should know where he was, but told him he was near Amagansett. That someone approached Dasch, and Dasch told him to get back, and then told the coast guardman "You have got a father and mother, and you take this," he thinks to be a total of \$300.00. That Dasch returned to the beach with the rest of the group and changed his

clothes, which he had not formerly done.

(P.578). That they were dungarees on the submarine and changed from the dungarees to the civilian clothing, after they landed. That after changing clothes, the boxes were buried, and they hid in the bushes near a road until daybreak, when they proceeded by foot to Amagansett, and purchased a railroad ticket to Jamaica, he going with Burger, and Quintas and Keynor remaining together.

(P.578). That Dasch and Burger proceeded to New York and registered at the Governor Clinton Hotel. That they later met the other two and arranged to meet again the next day, which they did. After this, they went to a restaurant where they knew a man by the name of Danny Doyle, and then they returned to the hotel. That on Monday he went shopping, and then to a club of which he had been a member, a writers' club, and there played cards with another waiter until Wednesday.

(P.579). That on Wednesday, he left New York, and came to Washington, registering at the Mayflower Hotel, and that evening he had dinner at a restaurant and there saw a waiter whom he thought he recognized. That evening he contacted this person he found out to be a man by the name of Louis Martin, whom he had previously known.

(P.579). The next day he made a telephone call to the Government Information Service and was given the names of the secret service or military authorities, and also the F.B.I. He tried to get Colonel Cramer, and being unsuccessful, called the F.B.I., at which time he got in touch with Mr. Traynor.

(P.580). That in respect to the handkerchief, Lieutenant Kappe told them to put down certain addresses, one address being an address in Lisbon, Portugal, which was Maria de, the third name being illegible, and the fourth, Lopez. That at the time they departed, they were given matches, the tips of which bore chemical writing compound to write in secret ink, and that they were instructed to take these matches and write a message containing information, concerning the necessary papers that an agent should have in this country. That Dasch stated that he had lost his social security card on the train between Paris and Lorient. That the handkerchief contained addresses whereby he could get in contact with Kerling, whom he was supposed to meet on July 4th in Cincinnati. In case the Cincinnati meeting failed, he was given a secret address whereby he could get in contact with Kerling.

(P.581). That this was the first group of saboteurs that had been sent over by the German high command, and they were to establish a headquarters for saboteurs in the United States. That this group included both groups of four. That Dasch stated that it was suggested that they attempt to recruit others, but no specific names were given.

(P.582). Exhibit P-98 is the handkerchief mentioned and has the initial "H.S."

CROSS EXAMINATION BY
COLONEL BISTINE.

(P.583). That witness had not attempted to relate the statement of Dasch word for word, and that Dasch gave information on other topics besides the ones that witness had related. That Dasch stated that he had telephoned the F.B.I. and was referred to Mr. Traynor, and that he did so voluntarily. That insofar as he could, Dasch answered all questions freely and as fully as possible.

(P.587). That the reason Dasch gave for getting in touch with Washington, rather than New York, was that the heat was too big, and that he had been informed that the secret police in Germany had the New York office under observation.

(P.587). With respect to the encounter with the coast guardsmen, they had instructions that if they were to see anyone, to take that person and subdue him and turn him over to the German sailors, who would take him back to the submarine. That he saw this boy, and the thought occurred, should he turn him down or take him to the two sailors to subdue him; and when he talked to the boy, he made inquiry as to his whereabouts, and the sailor boy or the Coast Guardsman told him he was near Ammanst. That Dasch told the boy "You have a father and a mother, and you haven't done anything wrong," or something to that effect, and at that time gave him some money and told the boy to take a good look at him, Dasch, as he would hear from him, Dasch, in Washington. That Dasch stated he formed his intention not to go through with his instructions during November or December of 1941.

(P.591). That Dasch stated he was very desirous of getting away from Germany in order to fight the ruling powers of Germany, and that he saw in this an opportunity to come over with this group for the fulfillment of his desire. That he went to school in order to carry out that purpose, and that he never intended to carry out any of the plans of his group. That he realized that he was violating orders of his superiors.

(P.592). That Dasch stated he called the F.B.I. in New York and advised them he had very important information and that he was coming to Washington for the purpose of giving it to them, and that on coming to Washington, he had registered at the Mayflower Hotel, and called a Colonel in the Intelligence Department of the United States Army. That Dasch said he got in at 7 o'clock in the evening and called the Information Bureau the next morning, by whom he was referred to the Army, the Military Intelligence and the F.B.I. That he then telephoned Colonel Cramer, who was not in, and he called the F.B.I., where he was referred to Mr. Trygner. Mr. Trygner told him someone would come out and get him and bring him down to the office. That Colonel Cramer called him back after he had contacted the F.B.I., and he so advised Colonel Cramer.

(P.596). Witness saw an address book which Dasch had on his person which included the name of Mr. Francis Biddle, the Attorney General, but did not include Mr. Hoover's name. That Mr. Biddle's name was given to him on the evening he appeared in Washington, as being an appropriate person to get in touch with. That Mr. Biddle's name was furnished to him by Mr. Louis Martin, the waiter.

(P.601) Defendant's Exhibit A, statement signed by Dasch on June 25, 1943 of 254 pages; that witness cannot say for the period June 19th to June 21st, but from June 21st through June 25th, it appears to be a transcript of the statements made by Dasch. That witness was furnished a transcript of the proceedings of the previous days when he appeared on the 21st.

(P.613). That the statement does not include all questions which could have been asked Dasch. That from June 21st to June 24th, Dasch was interrogated in Room 2250 of the F.B.I. On June 24th, he began reading the statement and he was transferred to New York on the following day.

(P.615). That during the time of his interrogation, and before he signed the statement, he was in protective custody of the F.B.I.

so far as the witness knows. As protective custody is a voluntary custody on the part of the person held, and springs from the fact that someone thinks it necessary. Dasch gave in his statements and answers to interrogations valuable evidence which helped the F.B.I. in the apprehension of the other seven defendants.

(P.621). That Dasch's property was taken from him on June 24th. That the property included the money. That there was no statement made that there was any change in the status of his custody at that time, so far as witness knows. That on June 25th, Dasch requested that he be placed in the cells with the other defendants who had been apprehended up to that time. That at that time it was pointed out to him that he would not be turned loose. That Mr. Traynor pointed out that the F.B.I. had two things to consider, first, defensive, that is, to take care of the saboteurs, and secondly, to protect this country from additional persons coming over.

(P.624). Defendant's exhibit B-1 to B-4, inclusive, are photostats of a letter written by the defendant Dasch to Pete Burger, which was delivered to Special Agent Johnstone. That on June 22nd, Dasch stated that he wish to write a letter, and he was informed by Mr. Traynor he might do so, provided F.B.I. read it. That the letter was delivered to witness for reading and mailing, but that it was never mailed.

(P.630). Dasch described the submarine to witness and stated he had managed to get into the radio and control room and that Dasch stated he would give what information he could about the submarine. That Dasch appeared to answer all questions asked of him.

(P.631). Dasch mentioned a third group that was to come over, and answered all questions that were asked him concerning this third group, mentioning possible sabotage to the Panama Canal.

(P.631). That the statements made on page 82 and thereafter for one or two pages, relating to the method by which Dasch got into the Sabotage school were stated in his presence. The statement shown on page 189 (Dasch's) relating to a conversation overheard by Dasch which concerned the execution of some 3500 Jews was made in his presence. That the statement shown on page 213, and the following pages, from the statement of Dasch, relating to the details of Dasch's job while acting as a monitor for foreign broadcasts was made in his presence. That Dasch stated: "After it became clear to me that this whole set up of Nazism had to be fought, I had to find a way to do it." He was unable to do any effective work, and had to find a way to leave the country. That the statements shown on page 140 and the following pages, of the statement of Dasch, relating to the Feibels case were made in his presence. That Dasch stated that Feibels appeared to have done what he, Dasch, was planning to do.

(P.654). That photographs of Herling and Neubauer were presented to Dasch who identified them. The descriptions of the other defendants aided the F.B.I.

(P.661). The witness was present when Dasch was taken from New York to Washington, as were Johnstone and one other agent.

(P.663). That on June 29, witness saw that Dasch had a pencil and paper and was writing. That the writing consisted of about two pages.

REDIRECT EXAMINATION

(P.664). With reference to the proposal to Dasch that he enter a plea of guilty, Mr. Donagan, Mr. Trayner, Mr. Johnstone, and myself were present. There was some discussion about the family of Dasch being in Germany, and that were it known that he had given information, his family might be in danger and it was said if he appeared in open court and made remarks and testified then, of course, it would endanger his family in Germany. It was also said that he could come into court or be indicted with the others and enter his plea of guilty and after a sentence and being committed to prison and after the public had more or less forgotten about the matter the F.B.I. would recommend that he receive a Presidential pardon.

(P.665) That Dasch at first accepted the proposal that he plead guilty, stating that it was the only thing to do. That on the next day, June 28th, Dasch decided that he would not enter a plea of guilty. As his reason, he stated that before he left Germany, he had talked with his mother and she would want him fighting and that he wasn't guilty and for that reason he would not enter a plea of guilty.

(P.666-672) (Witness identified Exhibit P-99 through P-115, inclusive. Exhibit P-107 to P-115, inclusive, were offered in evidence).

RECROSS EXAMINATION BY COLONEL HISPINE.

(P.672).

That witness told Dasch that the two-page document referred to before, which had been written by Dasch, should be referred to as a supplementary statement.

Testimony of Thomas J. Donagan, ASSISTANT AGENT IN CHARGE,
NEW YORK CITY, OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION,
A WITNESS FOR THE PROSECUTION.

DIRECT EXAMINATION

That on the afternoon of June 27th, Dasch was brought to witness's office in New York City by Mr. Wills and Mr. Johnstone. That Mr. Trayner was also present. That he had previously talked to Dasch on June 25th, and on June 27th he told Dasch that the investigation was coming to a conclusion and that the question presented itself as to what course of action Dasch wanted to follow. That Dasch had on June 25th expressed concern for his parents in Germany and said he didn't want it to become known what part he had played in the investigation. That was the reason for witness talking to him on the afternoon of June 27th. That witness told Dasch there were two possible courses open. One was that he go into the District Court and that the Attorney General would be familiar with the part he played in this investigation, so that he could be given appropriate consideration at that time. That witness told Dasch that he was only familiar with procedure that would be followed in civil court; as it had not been definitely decided at that time which course of procedure would be followed. That Dasch was told that under our method of procedure, it would immediately become public knowledge that he had played the part to some degree, of an informer in this matter. That the other course of procedure, if he desired to follow it, would be to go into court and to plead guilty, and let the course of events follow the natural course which they would in a district court. At that time the Director would call to the attention of the Attorney General for the purpose of the Attorney General's considering the recommendation to the President of a Presidential pardon. I talked to Dasch for a period of about an hour and a half. I told him it was up to him what course of action he wanted to take; that the F.B.I. was not concerned with it, but did wish to point out the various

possibilities so that he could protect his folks in Germany. Dasch was very much concerned with the welfare of his father and mother, and his sister in Switzerland. At the conclusion of that interview, he definitely stated that he wanted to follow a course of procedure wherein it would not become public knowledge that he contacted the Federal Bureau of Investigation, and he stated he desired to follow the course of procedure wherein he would go through the court and plead guilty with the other defendants.

(P.677). On the morning of the 28th, Dasch stated he desired to change his course of procedure, and not plead guilty. That instead, wished to go into court and make a full explanation.

CROSS EXAMINATION BY
COLONEL RISTINE

That when Dasch told the witness that he had changed his mind, the witness stated he was disappointed, but did not discuss it with Dasch. That the story was already in the papers on Sunday morning. That Dasch stated that he felt he was not guilty.

(P.681). That Dasch was not urged to plead guilty, but that the various courses open were simply pointed out to him. That it was not suggested that the best method for him to follow would be to plead guilty.

(P.682). Dasch asked how much time witness thought Dasch would have to pass in prison, and witness stated that he did not know, maybe six months, maybe a shorter period, maybe a longer period, and that the recommendation would go to the Attorney General, whereupon it would be entirely a matter between the Attorney General, and the President of the United States. Dasch stated he could not plead guilty because he felt that he was not guilty. This occurred on June 28th.

(P.684). The witness stated that it appeared to him that if the case went into the District Court a plea of guilty would appear to be a way to protect his father and mother, because in that way the information would not become known to Germany that he had given information to the United States.

TESTIMONY OF LIEUTENANT JOHN BENJAMIN HERRICK, 3rd REPORTING
PLATOON OF THE 651st SIGNAL REPORTING COMPANY, AIR CORPS WARRING
FRONTIER, MONTANA POINT, NEW YORK,
A WITNESS FOR THE PROSECUTION.

(P. 690). That the witness was stationed at Montauk Point, Long Island, in command of a platoon covering an area of the sea off Long Island. That his outfit did not cover the beach on foot, but acted as a radio locator station on the top of Prospect Hill to locate airplanes. That they were about ten miles from Amagansett Beach Coast Guard Station and work in co-operation with that station.

CROSS-EXAMINATION BY COLONEL ROYAL:

(P.692). That the witness's outfit helped any unit of the armed forces if they needed assistance.

TESTIMONY OF DUANE L. TRAYNOR, SPECIAL AGENT OF THE F.B.I.,
A WITNESS FOR THE PROSECUTION:

(P.693) That P-98 is a handkerchief taken from George Dasch

on June 19, 1942. That Dasch stated that this handkerchief contained the names of certain persons written on it in secret ink, which names had been written in Berlin, Germany sometime in May, by himself in the presence of Lieutenant Zappe and Edward Kerling. The witness kept the handkerchief in his possession that day and until such time as he was able to ascertain what reagent might bring out the secret writing. That he gave the handkerchief to Mr. McGee on June 22nd. Dasch stated that the writing could be brought out by a certain acetylene fume. On the name of ammonia being suggested, he stated that that was the material which would bring out the secret writing.

CROSS EXAMINATION BY COLONEL RISTINE.

(P.695). That on June 19, 1942, Dasch talked with witness over the phone. Dasch was calling from the Mayflower Hotel, and that previous to that time, he had no information as to Dasch. When Dasch called, he identified himself as George Davis from the Mayflower Hotel, and stated that he was a leader of a group of eight men who had just come over from Germany, and wanted to talk to someone about sabotage. He wanted to make an appointment to see me. As this was about 10 o'clock, I suggested that I would see him at about 11 o'clock, and as he wanted to come earlier, I advised him that I could see him at about 10:30 if that would be convenient. He indicated that he had placed a call to several other agencies in Washington, one of them being a Colonel Graser of the Provost Marshall General's Office, and said he had not been able to reach Colonel Graser, and had left word for him to call. He wanted to know if it would be all right for him to come to see me first, and I advised him that if he so desired, it would be perfectly agreeable with me. As he expressed some doubt as to whether he could find my office, I told him we would send an agent for him and did so. That Dasch was the first one of the group of agents that witness had seen. That Dasch was the first one to appear before the F.B.I. anywhere or in any capacity.

(P.699). That for the first day and three-quarters, Dasch refused to answer any questions, but wanted to give the story in his own way, although thereafter, he answered questions that were put to him. That his appearance was voluntary and his statements were voluntary, during the first two days thereafter. That he gave detailed information with respect to the landing of his group and their activities after coming into the United States as well as the hotel room number and address where Burger was staying in New York. That Dasch gave information as to the other members of his group, but no information as to where they might be located. He stated he did not know. He did state that Burger would know, as it was Burger's job to keep track of them. That he would get the information from Burger when he got to New York City.

(P.700). Witness was not in charge of the office, but was simply interrogating Dasch, and that Mr. Ladd telephoned New York. That Dasch stated he had gone through considerable mental strain and hardship for the past several months; that he had a long story to tell, and he wanted to tell it beginning at the very beginning and tell it in his own way. That Dasch told of his experiences in Germany, about his dissatisfaction with the ruling powers in Germany, that he had formulated a desire to fight those powers in every way that he could; that he could not fight those powers in Germany and had to get out of Germany by some process in order to carry out his desire; that the method by which he

entered the United States was the only method that had offered itself to him to accomplish his desire to get away from Germany and into a place where he could fight the ruling powers. That he related the circumstances of his entry, that nothing had been done after the entry to carry out the purpose for which the group was sent except to bury the explosives, change clothes and mix with the people. He told of meeting with the coast guardsman, and his instructions had been, if such a contingency arose, to overpower such person and send him back to the submarine; that he did not carry out those instructions; that he told of having telephoned the F.B.I. of New York before coming to Washington. He stated he had, on June 14th, at 8 o'clock, p.m., called the New York office, was referred to an agent, told the agent he had just come from Germany, and had some important information, but refused to give the information or to go to the New York office. That he had told the agent that his name was Franz Daniel Pastorius, that he wanted the New York office to notify the Washington office that he would be in the Washington office on Thursday or Friday next to give this information. That witness had never seen a communication from New York. That Dasch told of some difficulties which he went through in Germany in finding a way to get out of Germany. (P.704) That he gave the impression that he would have been killed if they had learned of his intentions. That some of the information furnished by Dasch was helpful in locating some of the defendants. That the F.B.I. had previously received a report from the coast guard where the landing occurred in respect to what they found there. That the facts given by Dasch corresponded with information which the F.B.I. already had. Dasch was first told on June 25th the information the F.B.I. had received from the coast guard, and this was the first information Dasch had as to when and by what methods the other various ones were apprehended. At the time witness was talking to Dasch, Dasch appeared to be sincere, and that witness had told Dasch he believed in him, and believed him.

(P.707) That witness, with few exceptions, was present during the entire interrogation of Dasch, insofar as Dasch's signing Defendant's A. That Defendant's A, a statement of Dasch, is a transcript of stenographic notes that were taken at the time of the statements and interrogations by stenographers in the F.B.I., although at Dasch's request, the stenographers in some instances used their own judgment in rewording and rephrasing it to make better English, because Dasch was having trouble in properly constructing the English sentences after using German for so long.

(P.708) The statements of Dasch, shown on pages 8 and 9, Dasch's statement, relating to Dasch's antagonism to the Nazi principles for the past fifteen years were made in the presence of witness. The statement on page 35 of Dasch's statement, to the effect that if Dasch found that Hitler was not carrying on for the benefit of the majority of the people, Dasch would fight him, was made in the presence of witness. The last paragraph on page 32 of the statement of Dasch, relating to the writing on handkerchiefs of Dasch's brother's address, were made in the presence of the witness. That Dasch stated the address of his brother, which had been given to Kaye was false. That the statements of Dasch on page 35 and page 36 relating to the condition he found in Germany, were made in the presence of the witness. The statements made on pages 51 and 52, Dasch's relating to Dasch's conversation with Burger about getting in touch with the F.B.I. were made in witness's presence. That the first three sentences on page 22 of Dasch's statement relating to Dasch's formulation of a desire to change the set-up of Nazism from A to B, in the presence of the witness.

(P. 717). Dasch stated that when he arrived at the station the morning immediately following his entry, he debated calling the F.B.I. and decided not to for fear the others might learn of his intentions.

(P. 718). Dasch stated he did not remember the names and addresses on the handkerchief. That the addresses on his handkerchief were correct, but that on Kerling's handkerchief, there was a phony address of Dasch's brother.

(P. 719). That on the first evening witness spent with Dasch, Dasch showed him a brief case which Dasch stated contained something like \$82,350.00. That Dasch was taken into protective custody and remained in that status for some days thereafter for Dasch's protection.

(P. 721). That Dasch objected to the wording of a waiver of removal, because it contained the words "To be held in connection with any Federal crime," and that it was changed at Dasch's consent to read "Held in connection with any crime in connection with my landing in this country." That the waiver which was corrected

REDIRECT EXAMINATION.

(P. 739). That Dasch informed witness that on the handkerchief which he had was the name and address of a person in Lisbon, Portugal, with whom he had been instructed to communicate in case they needed more money; desired to communicate any intelligent information, such as papers needed by succeeding group or in case they needed more explosives. He also advised that there was the name of a Lutheran minister who was either in Newark or Elizabeth, New Jersey, and whom they were to contact by use of the code phrase "Frans Daniel Pastorius." He was to say, "Greetings from Frans Daniel", and this man was to answer "Pastorius". That he also has the name and address of an individual in Chicago who was a relative of Herbert Haupt, and the address of a person through whom he could always get in contact with Kerling. That the name "Frans Daniel Pastorius" was also on the handkerchief. That after the writing on the handkerchief had been developed, photograph was made.

(P. 740). That the first thing that appeared on the handkerchief which he had not mentioned to the witness was the name "Bingo", which was stated to be the German Intelligence name of Herbert Haupt. That each man assigned to the German Intelligence Unit was given a name. That Haupt's Intelligence name was Bingo, while his own name was stated as Strich, which means a short dash. The other writing was not clear, and he could not figure out the names and addresses, of the address in Portugal. He stated that the address of the Lutheran minister was Rahway, New Jersey, rather than Elizabeth or Newark, and that this man's name appears on there was Carl Krepper. That Walter Froehling, a name which appeared on the handkerchief, was the relative of Haupt who was a member of the German-American Bund and who could locate for them a hiding place for their explosives. The name was furnished by Haupt. That there was also the name of Helmut Lainer, a friend of Kerling's in Astoria, Long Island. That Exhibit P-119 is the photograph referred to.

REVERSE EXAMINATION BY COLONEL RISTINE.

(P.741). That Dasch gave other information than stated by witness, concerning the construction and operation of a submarine and concerning proposed sabotage at the Panama Canal.

TESTIMONY OF MR. J. W. MAGEE OF THE TECHNICAL LABORATORY,
FEDERAL BUREAU OF INVESTIGATION, A WITNESS FOR THE
PROSECUTION.

DIRECT EXAMINATION.

(P.747). Witness was qualified as an expert, and identified Exhibit P-98 as a handkerchief which he examined in the laboratory, and which he had received from Mr. Traynor. That an examination had been made of the handkerchief to determine whether or not there was any secret writing present. That under normal conditions, there were no visible marks on the handkerchief, but that it had been subjected to the action of ammonia fumes (758). (At this point witness poured some ammonium hydroxide into a pan containing water and placed the handkerchief over the ammonium hydroxide, after which action certain writing appeared on the handkerchief, and was shown to the Commission).

(P.758) That the first word which appeared was Maria, the second word Da, the third word illegible, and the fourth word Leyer. That the next word is Lisbon, the next not written distinctly and not legible, then a capital D, the next word illegible, the next word started with a capital R and part of that word was, it appeared to be, Mascarenhas, followed by the numerals 82. That the next line read Father Kregger or Krepper; then Gene Frey, R.F.D. 3, Box 40, Rahway. The next line started, Bingo, followed by the name Walter Frohling. That this name was followed by the address 3643 or 8643 Wipple, Chi. That the next line was Helmut Leiner or Leihar, 21-58 (21-58) 73 (37) Str, Astoria. That the last line was Franz Daniel Pastorius.

(P.760) That witness first saw handkerchief on June 22nd, or June 23rd, and while witness was bringing out the writing on the handkerchief, Dasch was not present, but when Mr. Traynor brought Dasch to the library on the second occasion, that the writing was developed, Dasch did all he could to help decipher the rather poor writing on the handkerchief. That Dasch told witness that he, Dasch, had written on the handkerchief himself. (P.763). That the first line is the European address while others are American addresses, and the European address is the one that is very difficult to read. That Dasch stated that when he wrote the third word appearing in the European address, he thought of the American word "conscience". That the word in either Spanish or Portuguese is conscienco. That this was the only statement Dasch made other than in his assistance in deciphering.

TESTIMONY OF MR. CHARLES H. STANLEY, SPECIAL AGENT FOR THE
Federal Bureau of Investigation, of the New York office,
a witness for the prosecution.

DIRECT EXAMINATION.

That witness (P.765) in company with agents W. W. Fisher and Langille, apprehended the defendant Heinrich Hermann Heinck on June 20, 1942 at approximately 5:15 p.m., at 74th Street and Amsterdam Avenue, New York City, and took him to the New York Office of the F.B.I. at 607, Court House, Foley Square, New York. That Exhibits P-118, P-119 and P-120 are waivers of custody, search and removal taken for Heinck, which were signed in the presence of the witness. (P.769) That the witness took one statement from Heinck on June 21st, and one on June 23rd. That on June 23rd, Agent R. L.

Johnstone was present, the statement being signed at approximately 5:30 in the evening. In the beginning (P. 768), Heinck gave witness a statement and then told witness that he had not given the truth. That on June 30th, notes were taken of Heinck's statement and on June 31st, witness and others talked to Heinck and finished the dictation of the statement at 1:30, Heinck signing it that afternoon at 5 o'clock, after he had read it aloud. That he made certain changes which are shown in his handwriting.

(P. 769). Witness identified Exhibit No. 121 as the statement of Heinck which is the first one of June 31st.

(The following is a summary of the statement of Heinck as read into the records).

I, Heinrich Harm Heinck, also known as Henry Kayner and Kayner, was born June 27, 1907 at Hamburg, Germany, where I attended public schools and lived there until 1936, working in the Hamburg American Shipping Company machine shop. I then started working on the SS "Westphalia", as an oiler and machinist helper, and sailed from Hamburg to New York. On my third trip on this boat from Hamburg to New York, I jumped the boat at New York and went to live in a rooming house on Amsterdam Avenue, in the summer of 1936, around July or August. From that time until 1939, I worked at the following places: Thompson's Restaurant; Blue Kitchen Restaurant; Park Central Hotel; 1088 Park Avenue; 280 West 94th Street; Mrs. Kemp, Cedarhurst, Long Island; American District Telegraph Company; New York City; Manhattan Engineering Company, International Projector Company, Ackels Company.

(P. 770). In January, 1933, I married Anna Isabella Goets of New York City. In July of 1936, I began working for a branch of the C. L. Norden Company, New York City as a machinist. While there, I met Alfred Schneider who informed me around March, 1939, he had been contacted by a man from the German Labor front and we had a chance to return to Germany with half of our fare paid, by the German Labor Front. Pursuant to this information, my wife and I obtained tickets and left New York City on the S S HANSA of the Hamburg American Line for Hamburg, Germany, some time in March, 1939. I paying half the fare. Schneider accompanied me on this trip.

(P. 772). After arriving in Hamburg, we were met by representatives from the German Labor Front. I first visited my mother in Hamburg, and the next day went to the German Labor Front. From there I went to work at Braunschweig in the Volkswagenwerk as a tool maker, where my wife joined me. This was in April, 1939. I worked there until the time I left Germany around April 1st, 1942.

(P. 772). Around April 1st, Kurt Lass, a workman at the factory, asked me if I would like a chance to go back to America and do something for Germany, and hinted the type of work was sabotage. I gave him no answer at that time but thought this was a good chance for me to return to America.

(P. 773). A few days later I talked with Dick Querin who was also at the factory and learned that he had lived in America and started working at the factory around the first quarter of the year 1939. I finally told Querin I was going with the Squad. Querin told me that he had talked with Lass about it, and he was also coming to America for the same purpose.

(P. 773). About a week later, I received directions to go to Quinsweas, about an hour's ride from Berlin, to a farm named Quince Gut. Querin went with me to the farm, and we met Dr. Schultz and Dr. Koenig, who showed us about. There were eight men in the class. Dick Querin, known as Richard Quintus, Peter Burger, George Dasch, who were grouped with me, and four other men known as Swens, Scotty, Herman and Jerry.

(P. 775). I attended school for three weeks and was instructed in different types of explosives, such as time bombs, and incendiary pencils, and like subjects.

(P. 776). After completing school, I went to my home for several days, and then took my wife to her parents in South Germany near Stuttgart. I returned to Berlin where I met Querin, Peter Burger, Dasch, Jerry, Scotty, Swens and Hermann, and another man by the name of Ernest who also attended the school.

(P. 777). Dr. Schultz told us that we would leave for Paris and that our wives would be taken care of and would receive money each month. We would take with us explosives and told us to tell no one of our trip. He did not tell each of us just exactly what we were to do in America; Dasch was appointed as the leader, and he was to have the plans.

(P. 777). We left Berlin on May 24th or 25th for Paris, taking with us four wooden boxes containing explosives. There were then ten of us, including Dr. Schultz and Dr. Koenig. On our arrival in Paris, we went to a hotel. The group including Jerry, Swens, Scotty and Herman left before our group to go to Lorraine. We left Paris for Lorraine and arrived there around May 28, 1942.

(P. 778). It took us fourteen days to come from Lorraine to the point where we landed on Long Island. The Sunday before we were landed, we were called together by Dasch, and he gave each of us a canvas bag which contained money sewed inside in the sum of approximately \$4000.00. He also gave us some tens and twenties in small bills besides the bag. Early on the morning of June 13th, we were instructed to get ready to come ashore. The explosives were loaded into the rubber boat by the crew, together with a large bag of clothing. Each of us at that time was wearing a sub uniform.

(P. 779). When we got to shore, we left the boat and I was assigned to take the clothing bags over the dunes on the beach. The four boxes were carried by the other sailors. On the way over, I was wearing a cap with a German Swastika on it, but it blew off my head and was lost. This cap was from the sub uniform.

(P. 779). After I carried the sack of clothing to the beach, I remained there and changed my clothes, and took all of the other fellows' clothes out of the bag. Each of us were wearing swimming suits under his uniform. Although it was planned to send our uniforms back to the submarine with the two crewmen, Burger came back to the dunes and told me that Dasch had met a sailor and Dasch told him that plans would have to be changed and Burger brought the clothes back and he dug holes in the dunes and buried the clothes and shovels in one hole and the explosives in another. Dasch told us that he had told the sailor he was digging clams and it fixed it up. We also buried three pairs of rubber beach shoes and one pair of high-top shoes. (P. 780). After we buried these articles, we talked on the sand about an hour and

walked toward the road and came to the railroad station at Amagansett, Long Island. We purchased tickets and took a westbound train to New York shortly after 7, a.m. Upon reaching Jamaica, we split into two groups, I going with Quirin. After doing some shopping, we registered at the Martinique Hotel, under the names of Henry Kayner for me and Quintas for Quirin. We remained at the hotel Saturday night, and met Dasch and Burger in front of Grant's Tomb Sunday evening. At that time, I gave Dasch the canvas belt which had been given to me on the submarine and which contained about \$3,500.00. I opened this belt before I gave it to Dasch and took out \$500.00. I told Dasch to keep the money or deposit it with the other money.

(P.781) Monday Quintas and I moved to a rooming house at 142 West 76th Street; we next saw Burger at the Swing Club on 52nd Street, and he told us at this time that Dasch had left town, but did not say where he had gone.

(P.782). Quintas and I discussed the fact that Dasch had not shown up with Burger during the last two or three meetings, and we thought that he had run out on us, but were not sure, thinking that he might have gone to meet someone to receive instructions for all of us.

(P.783). On Saturday, June 30, 1942, Quintas and I left our rooms at 11:00 a.m., after eating and seeing a newscast met Burger at 3 p.m., we shopped and ate, and left Burger.

(P.783). Quintas and I then caught an uptown bus, going to our apartment building. Quintas walked on ahead and I made purchases, at several stores; and I was taken into custody by men who identified themselves as F.B.I. men.

(P.783). "I wish to state that although I volunteered to come to America with the Sabotage Squad, I was encouraged to come because I wanted to come to America to live and felt that this was a good opportunity to get to the United States. I also wish to add that during our course over there they told us that we were to remain in America until the war was over, and that we could then return on boats. At the time they gave us these instructions, I asked a question as to how we would be able to return, if necessary, before the war was over, having in mind that I might have a nervous breakdown or sickness in the family, and Dr. Schultz told me that it would be impossible to attempt to bring anyone back from America in a submarine before the end of the war. In connection with sabotage activities in the United States, the squad was instructed to carry out their work in such a manner that no persons would be killed, but that it was important for us to stop or interrupt the manufacture of war materials in the United States and the transportation system."

DIRECT EXAMINATION CONTINUED.

(P.784). Thereafter, Heinck stated those statements were not true and correct. He told us he had given some wrong names for the second group of men in the United States, and that the statement that he had given Dasch \$3600.00 was also false. He stated he had given the money belt to Herman Faje who lived near 36th Street stop of the Jamaica, Long Island, subway, approximately one block away. That the last time he had seen Dasch was on Sunday night, not Monday, as stated in his previous statement.

(P. 785). That Heinck did not know any of the other defendants had been apprehended. That the information given by him about his being recruited in the sabotage school was incorrect, but that in January, 1942, Walter Kappe, whom he had known in the United States, came to his home town, and held a meeting, and that Kappe was instrumental in his coming to the United States. He covered that correction in a later written statement. He went into detail as to his course at the school and told that Kappe was a lieutenant, and wore a German uniform while at the school.

(P. 786). Witness identified exhibit P-122 as the second statement of Heinck's which is signed on each page and at the end witnessed by witness and Agent Johnstone. That the statement was started on the evening of June 23rd and that Heinck finished reading the statement and signed it on the 27th. That he, Heinck, made corrections and initialed them, and read it over.

(P. 789)..(The following is the summary of additional information given by Heinck which is either in conflict with or not covered by the previous statement).

The first statement signed by me on June 31st is true and correct, except insofar as it conflicts with the information in this statement.

(P. 790). My wife came to the United States in 1928 and later took out her first papers, but never became a citizen. I have at no time taken out my first papers since I jumped ship.

(P. 791). In 1934, I joined the German-American Bund in New York as an Ordnungsdienst, which is similar to an usher. Although the Bund held regular meetings weekly, I only attended about once a month, at which meetings I wore a uniform consisting of black riding breeches, white shirt, black boots, black tie and wide black belt. During this time, Dr. Schmurch was leader of the Bund in America. During part of this time, Anton Kaegele was one of the local leaders. We were lectured about National Socialism and also about the German race, and about the reasons why the German people in America should return to Germany, as the Germans were one big family, and should remain Germans.

(P. 792). During this period, Walter Kappe, publisher of the Bund newspaper called *Wochenruf und Beobachter* was one of the main speakers. I first met him in New York around 1935, and on at least one occasion, Kappe came to my home with other friends who were members of the Bund.

(P. 793). In 1935 we were told that only citizens could join on orders from Germany. Thereafter, I attended some of the Bund parties, but was not carried as a regular member. After this, I joined the D.A.B. in New York. I did not attend any meetings, but only joined because I felt that if I paid my dues, I would be in good standing with the party, if I ever returned to Germany. Fritz Ziecklin was the head of the D.A.B. and I continued to pay my dues until I left the United States in March, 1939.

(P.793). At Schneider's suggestion, we went to the German Consulate, who sent us to the Robert C. Meyer Company, located on Broadway, just across from the Hamburg-American Steamship Line, and we left our money and received a slip of paper which we took to the Hamburg-American Steamship Lines and our tickets were already made out.

(P.793). Shortly after our arrival in Germany, I joined the National Socialist Party in March, and paid my dues regularly. In January, 1942, Kappe came to my home in Braunschweig and spoke at a meeting as a representative of the Auslands Organization. Arrangements for this meeting were made by Ruit Laas, who worked at the factory, and the purpose of the meeting was to bring together people who had formerly lived in America and Canada. The meeting was attended by about thirty-five or forty people. This is the first time I had seen Kappe since I left New York. After the meeting, he came over and shook hands with everybody and I talked to him about my family and old times in America. Querin was also present at this meeting.

(P.794). About a month or two later, Laas came to me and asked if I would like to go back to America and do something for Germany. Kappe had given him my name as being a person who might help Germany, telling me the work was in connection with sabotage.

(P.795). At the sabotage school, members of my group had a room at the front of the main farm house.

(P.801). George Dasch told me at one time that his wife attempted to return to Germany and was interned in Bermuda.

(P.801). He believed that Burger was living in Berlin in an apartment with his wife just before he entered the school. Querin was a member of the German-American Bund in New York, and indicated he was not active. He was a member of the National Socialist Party in Braunschweig, Germany.

(P.802). Kerling's wife, I believe, is in New York City. Kerling is a member of the National Socialist Party and a good German.

(P.804). Neubauer is a member of the German-American Bund, and returned to Germany in 1938 or 1939. His wife is now in Hamburg, Germany, with his parents. His wife is from the United States, and is an American girl, I believe.

(P.805). Herbert Hauk stated to me that he had received a decoration for having run the blockade. (The statements above are taken from detailed descriptions of the other defendants extending from Page 797 through Page 805).

(P.805) There were four individuals in the class at the sabotage school who did not speak English and did not associate with the group that were to come to the United States. One of these individuals was known as Dr. Mueller; the second is Dr. Willowchevsky and the other two I do not know. Another individual, known as Bill Dempsey was supposed to receive training and come to the United States. When the school was originally formed, Dempsey and I, and Ernest Zuber were supposed to come to the United States in one group, but this plan was changed when Dempsey left the school and I objected not being sent over with Quintas, who was well known to me. Dempsey left school saying "I'll see you boys over there". (Dempsey is described on page 807). The instructors

and heads of the school are Walter Kappe, Dr. Keenig and Dr. Schult, as well as Reinhold Bart. (These men are described on page 807). Kappe appeared to be the head of the school.

(P.809). Each of us was instructed to make up a story of our personal history background and that we should rehearse these stories carefully. Kappe also instructed us to use an assumed name, and to use them at all times in order that we might become accustomed to them. The name I adopted was Henry Kayner. I was to tell anyone who arrested me that I was born in Wilkes-Barre, Pennsylvania, that my father was a coal miner and my mother died when I was 15 years of age, after which I went to work in New York and worked in different Polish restaurants, and after that, worked on a farm. I was to say I never saw my father after I left Wilkes-Barre. (The things at the school are described on page 809 to 816).

(P.816). Our main sabotage objective in this country was the main aluminum plants, especially a large one in the State of Tennessee, which was just being completed.

(P.817). On the second day of the school, Kappe called me aside and asked me whether I had any training or knowledge of radio. I told him that the radio had been my hobby some time and he asked whether I would be interested in doing radio transmitting in the United States. I explained I had never done any transmitting, and my experience had been limited to building a small receiver and repairing radio receivers. I refused to take lessons in radio transmitting. Quintus told me Kappe had made the same inquiries of him. (On page 818, he described methods of sabotaging railroads). (On page 819 is a description of methods of sabotaging a canal).

(P.820). While in Berlin, we received fake Social Security and Selective Service registration cards, from Kappe, who delivered them to George Dasch and Kelly who, in turn, distributed them to members of the group. Dasch filled out the registration and Social Security cards before he delivered them to me and the other members of the group. When I was arrested on June 30, 1942, I had in my possession fake registration and Social Security Cards which were delivered to me by Dasch in Berlin, and they were turned over to the Agents of the F.B.I. The Social Security card given me by Dasch was filled out in the name of Henry Kayner and the selective service card was made out in the same name. (P.821). Before I left Berlin, I placed my signature on this card as Henry Kayner. At the time these cards were given to us, we were told we were to get rid of these cards as soon as possible, and obtain real cards over here. We were instructed to register under the selective service and to obtain a position for the purpose of obtaining a social security card.

(P.821). While we were at school, Kappe told us that the leaders of each group would be furnished with a large sum of money to be used in buying a farm, paint shop or some other legitimate business to cover up our activities. That each man would be furnished about \$4000.00 in a money belt, and some smaller money that would be placed on our person to be used for our expenses until we got to this country, when we could open the money belt. He told us to lay low and to become accustomed to American life again, and even if it required six months. Kappe and Dasch told me to stay around New York city where I knew my way around.

(P.833). Some gold certificates were found in the money given to us and it made everyone sore. While we were in Berlin, the explosives which we were to bring to America were demonstrated and described to us. (Description of the explosives is set out on Page 836 through 839). Before we left Berlin, we agreed that we would bury the explosives in the sand or in the woods at the place where we landed, and would then buy our farm or other place of business where we could establish a spot to keep the explosives without being found, and return to the place where we had buried them.

(P.831). While we were in Berlin receiving our final instructions, we were issued uniforms to be worn on the submarine and on landing in the United States. These uniforms consisted of a pair of khaki pants, a plain slipover khaki jacket without shiny buttons, a ship cap with a swastika and a wing on each side of the swastika on front of the cap, high type heavy black German shoes, gray woolen socks and a black leather belt. This same type uniform was worn by the crew members on the submarine. Kappe told us to use this uniform on the trip over and when we landed. That as there were guards on the beach, and we got caught as we landed, we would be prisoners of war if we wore army uniforms. He told us if someone caught us while landing, we should make some kind of an excuse or story. He also instructed us to bring with us one complete set of civilian clothes, and these clothes were purchased in the United States by us before we returned to Germany, and various odd articles were supplied those who were not fully equipped.

(P.832). We were instructed to change from our uniforms to civilian clothes as soon as we landed if we had not been caught, and put them in a bag in which our civilian clothes were brought to the United States and send them back to the submarine. The suit of clothes which I selected was bought by me in the United States before I left.

(P.833). While we were in Berlin, Kappe, Barth and another man called me into a room and explained that while I was gone my wife would be paid my salary amounting to 400 marks a month. At that time I signed a paper which appeared to be a contract which provided for the payment of my salary to my wife. He mentioned a penalty of death if we failed to go through with our work.

(P.833). In this connection, I might state that I do not wish to leave the impression that I was forced to do the work. I believe that nothing would have been done to me if I refused when I was first approached in reference to this matter.

(P.834). We went from Berlin to Paris, where we stayed at the Mond Hotel on the Rue de Opera, and from there to Lorient, France. On the morning after we arrived in Lorient, Kerling's group left. I understood that they would land in Florida. The next day we went to the submarine which was numbered 302.

(P.836). While we were on the beach at Amagansett, Dasch lost a notebook and Quintas lost a shoe.

(P.837). On meeting Dasch Sunday afternoon following our arrival in this country, I asked Dasch to take my money and deposit it for me, but did not do it at that time, although he agreed to do so, as I did not have the money with me.

(P.838). Monday, Quintas and I met Dasch and Burger at the Horn & Hardart Cafeteria in the Macy building. At that time

I passed my money belt to Dasch. I had previously taken \$400.00 or \$500.00 out of the belt.

(P.840). It was my understanding, during our course at school, that Dasch and Kelley were to meet in the United States and contact some other person already in the United States in connection with sabotage work. During the school, all of the members wore uniforms which were either Polish or Serbian, and at Lorient, France, Kappe wore a German officer's uniform down to the submarine when we left bearing the insignia of a Sonderführer, which means special leader.

(P.841). We were instructed, in case we ran out of explosives, we should attempt to have farmers buy more or buy them ourselves as farmers.

(P.844). I recall that the letter instructing me to report to the sabotage school contained a notation "Ausland Abwehr", which means "Foreign Defense".

DIRECT EXAMINATION

(P.845). Witness identified "P-123" as a wallet found in the possession of Heinck when he was arrested on June 30th and identified Exhibit "P-124" as a selective service registration certificate taken from Heinck at the time he was arrested, which was in his wallet. Witness identified Exhibit "P-125" as a social security card taken from the billfold of Heinck at the time he was arrested, and that these cards are the ones referred to in witness's previous statements.

(P.846). That Exhibit "P-44" is a slip of paper which Heinck explained he signed in Berlin at the time he received his uniform from Kappe, and that the signature on that card is Heinck's. That Exhibit "P-126" to "P-137" shown to Heinck and he identified articles shown on each photograph.

(P.850). That Heinck identified the shoes and cap as his, and the other articles of uniform as being similar to those worn over by him on his trip. (P.851). At the time Heinck was arrested, he had \$326.16.

CROSS-EXAMINATION BY COLONEL ROYALL IN BEHALF OF THE DEFENDANT HEINCK.

(P.851). That the correction with reference to the money was told to witness on Sunday afternoon, June 28, and he was requested not to put that in the written statement, which was not done.

(P.853). Witness showed the uniforms to Kerling, Quirin, Haupt and Heubauer, but did not question them, and was present for a short time during the questioning of Burger. That witness had not talked with any of them before June 21st or before June 23rd, and did not give Heinck any information as to what the others had told witness.

(P.854). That Heinck said if they were successful in destroying the aluminum plants, they were to do nothing more, and that they were instructed to injure no one physically. Heinck stated that they were given no rifle practice and no pistol practice except one isolated instance where it was a matter of recreation.

TESTIMONY OF RICHARD L. JOHNSON, SPECIAL AGENT OF THE
FEDERAL BUREAU OF INVESTIGATION, NEW YORK CITY, A WITNESS
FOR THE PROSECUTION.

DIRECT EXAMINATION.

the premises of
(P.856). That witness searched Heinck and found certain clothes, identified as Exhibits P-138, 139 and 140, on June 20, 1943. That the suit was later exhibited to Heinck on June 22nd, and he identified it as a suit of clothes he had purchased in New York city before returning to Germany in 1939, and as a suit that he brought to New York from Germany with him when he came over in a submarine, and into which he changed after he removed the uniform on the beach near Amagansett. (Witness identified Exhibits P-141, P-142 and P-143 as photographs of the articles of clothing which had been identified by Heinck. That witness identified Exhibit P-144 as a pair of bathing trunks found in Heinck's room, which was stated by Heinck to have been worn by him when he landed. That he put his clothes on over these bathing trunks when he changed clothes. Witness identified Exhibit P-145 as a black belt found in Heinck's room).

(P.859). That on Monday, June 28th, 1943, witness went to the house of Herman Faje and found two envelopes, each containing 36 fifty-dollar bills. That they were found between two sections of a radiator cover. That Mr. Faje located the money and delivered it to witness. That Mr. Faje's address was not known until the apartment was located. That the approximate location of Faje's apartment came from Heinck.

CROSS-EXAMINATION BY COLONEL
ROYALL.

(P.861). That witness had talked to no other defendant than Heinck. That there was sand in the suit when found.

TESTIMONY OF B. F. WIAIT, SPECIAL AGENT OF THE FEDERAL
BUREAU OF INVESTIGATION OF THE NEW YORK OFFICE, A WITNESS
FOR THE PROSECUTION.

DIRECT EXAMINATION

(Exhibits P-146, P-147 and P-148 being waivers in the case of Quirin, were introduced in evidence).

(P. 866). Witness identified Quirin. Witness stated that he had taken a statement from Quirin on June 20th, signed on June 22nd, and a supplemental statement that was signed on June 28th, and one that was signed on July 3rd. That Quirin was questioned approximately three hours on June 20th, and on the 21st and 22nd, and signed the statement on the 22nd, in the presence of Special Agent H. C. Foster, on the first two statements, and for the third statement in the presence of Special Agent C. E. Airhart at the F.B.I. office in New York City.

(P.867). Witness identified Exhibit P-149 as the first statement signed on June 22nd. Quirin signed each page and read each page aloud, making certain corrections, which are initialed by him.

PRELIMINARY EXAMINATION BY
COLONEL ROYALL.

(P.868). Witness told Quirin his co-operation would be appreciated. We wanted full facts, and that was our job, to determine the facts.

QUESTIONS BY THE ATTORNEY GENERAL:

(The following is a summary of the statement of Quirin as read into the record:)

(P.871). I was born in Berlin, Germany, April 26, 1908. My foster father's name was Ernst and my mother's name was Helen. I attended public schools in Germany for about eight years in Berlin, and Hanover, and thereafter went to work in a factory as a mechanic's helper, and on a farm. I came to America after having worked in the factory and farmed for three years. My foster father is dead, and my mother is living in Berlin.

(P.872). I came to America on October 17, 1927, sailing on the S S York from Bremen to New York, paying my own way. My purpose in coming to America was to visit my uncle, Ernst Wigleb, in Schenectady. I obtained employment as a tinsmith's helper for a few weeks, and then got a job with the General Electric Company with the maintenance crew, in the main plant. I worked there about three years. We laid off because of lack of work.

(P.873). I then went to New York and worked at odd jobs.

(P.874). In January or February of 1938, I moved to Chappaqua, N.Y., in Westchester County, where I stayed until I went to Germany in 1939. I began work as the chauffeur of Mr. J. W. Rauch. I was married in 1936 in New York City to Ann Sesselmann, who was German born and came here in 1930, and was living on Third Avenue in New York at the time of our marriage. I joined the Friends of New Germany (P.876) in 1933, and remained in that organization about one year, wearing the party uniform at club meetings. I resigned because I was a German citizen. We went to dances and different gatherings at Yorkville while I was a member.

(P. 876). I took out my first papers in Schenectady in 1929, but never became a citizen of the United States, nor did my wife. I returned to Germany in 1939 on account of my wife, because she was too sick here, and I thought it was due to homesickness. The German Consul offered to pay my way and get me a job, which it did. My wife sailed two months before I did, and I left on the Bremen on July 25, 1939.

(P.878). I was in favor of the German Government at that time, and I believed that things would become better over there than they have been. At that time, I did not intend to return to the United States. On arriving at Bremen, I stayed with my mother-in-law for about two weeks and started to work. I immediately became a member of the German Labor Front and worked at Volkswagenwerk in Braunschweig. Prior to my return to Germany, I bought \$500.00 worth of reimmigration marks.

(P.880). My wife left for South Germany with her parents in Kulmbach, Germany. Their name is Sesselmann. Her father is a farmer.

(P.880). I worked in this factory from August, 1939 to April, 1942. I met a fellow by the name of Henry Kayner, and he came to me and told me he knew a fellow that was looking for a man to go over on a trip to America for the purpose of carrying Germany in America. He went to Berlin and saw a man who explained to me the details of this trip, whose name I did not know, and asked if I wanted

to come to America. He said that if we wanted to come over here and get acquainted with people in order to create some kind of an organization that would be against war and fight it and work toward the end of the war, we would go to a place where we would get some training in sabotage. He did not mention it then, but I found later that we were to be sent to America. I accepted the proposition. I am not certain to what this man belonged, but believed he was from the Army. I returned to Braunschweig and received instructions to report to a certain farm on a certain day.

(P.883). Henry and I went to the farm together. (Quirin described various explosives on page 882 to page 885). I was instructed that acts of sabotage would be directed against any plant engaged in the manufacture of war materials and also transportation facilities. (P.886). I was told that this farm was used as training grounds for the Army for Pioneer Troops. Pioneer Troops build bridges and are in front of the fighting troops to pave the way for them, or take out mines, mine fields and stuff like that. In addition, I was instructed to find people who were against war and would work toward that end, and create some kind of an organization to fight against the war.

(P.887). That the only persons there whose names I know were Henry Eigner, Pete Burger and George Dasch. In addition, there were George, Pete, Erick, Bill and Herman. Dasch, Burger, Heinak and I were together, and had little to do with the other fellows. The reason for this was we were supposed to be together on this trip and were kept together.

(P.888). A Social Security Card and a Selective Service Registration card were given to me by my instructors at the farm. They were already filled out, and I signed my name as Richard Quintas. We received no instructions what to do if arrested, other than not to talk but we discussed among ourselves what we would do. We were told at the farm that we were coming to the United States by way of submarine.

(P.889). I was told that my wife would get money every month to live, to the extent of 300 marks, and in event something happened to me, they would take care of my family. My salary was to be 300 to 400 marks a month. We left the farm on May 6th, and I went home and took my wife to her parents in Kulmbach. My child's name is Rosemarie, and she was born October 4, 1940. I arrived in Berlin, and reported to the man I originally saw.

(P.890). We were given \$4000.00 each to come over here; this money was for Henry and me, and we had some pocket money besides, in the sum of approximately \$300.00. It was definitely understood that Henry and I were to go together and that George was to be the leader. After staying in Berlin about two weeks, we were taken to France to get on the submarine. When we left Berlin, we had four boxes of explosives. We went to Paris, and from there to a port where the submarine was anchored. We took the explosives on the train and then to the submarine. We boarded the submarine either on the 28th or 29th, between 8 and 9 o'clock, at night.

(P.892). I had my own civilian clothing and was furnished with a soldier's uniform to wear on the ship, which consisted of gray pants and coat and gray cap. The cap was a regular Army cap, having an eagle and a triangle. Between the eagle and the triangle there was a button, which we call the Gokardee.

(P.893) It took about two weeks to come from France to the United States. I was told we left from a place near Bordeaux, but there was

no number on the submarine. We landed on Long Island, near East Hampton on June 13th.

(P.894). When we approached the shore I was wearing a pair of dark blue swimming trunks with a white belt and dressed in a soldier's uniform, although I left my cap on board the submarine. We stepped into the boat where the boxes were and came ashore, all four wearing same type of clothing. We carried the boxes on shore and changed our clothes. The uniforms were being put in a sack and one fellow took the sack so that it might be taken back to the ship. Pete came back and said George had talked with a watchman, but he said to go on ahead, so we took the boxes and carried them up further from the beach in a hurry and buried them. We had previously decided to bury the explosives when we landed.

(P.896). I do not know whether these uniforms were taken back or not, or whether any of the group was wearing Army caps when we landed. We changed our clothing to civilian clothes on the beach; after we buried the boxes, we walked toward the boat and stayed there until all of us were together. We finally got to Amagansett and waited for a train and got on at the station.

(P.897) I had never been in the vicinity of Long Island during the time I was previously in the United States, although George was acquainted with the area. It was a foggy night when we landed. You could only see 10 or 15 yards.

(P.898). We buried the boxes, discussed retrieving them, but there was no definite arrangement made. We arrived at Jamaica, did some shopping and Henry and I parted from Pete and George, and Henry and I went over to New York, registering at the Hotel Martinique. I registered under the name of Richard Quintas from Albany. We left the Martinique Hotel because it was too expensive and we wanted to find a cheaper room. We moved to a rooming house at 148 West 76th Street.

(P.900). We met George and Burger at Grant's Tomb on Sunday, after which we met Burger several times. (P.902) During the period we were in New York, we made no plans, but met for the purpose of getting our minds off things and just talking, as we wanted to lay low for awhile. We discussed what would become of us in case we got caught, but didn't find any definite answer on that. "Q What did you think about that? A Well, we were hoping not to be caught." I don't know whether I consider myself a spy. I consider myself nothing in particular, but was over here to work for Germany.

(P.902). At the time I entered the United States, there was no doubt in my mind that I was violating the law and I consider myself an agent of Germany. I promised my superiors that I would carry out their instructions and intended to do so when I left there. Had I not been apprehended, I might have carried out those instructions. I feel that my loyalty is to Germany. In case Germany won the war, we would come back to Germany and I would be given a better job, and be well cared for. (From Pages 903 to 906, Quirin described the use of an incendiary pencil.)

(P.906). That the incendiary pencils were to be used to sabotage warehouses and factories producing war materials. The vest shown to me is my vest, which was, I believe, in the sack where we had our clothes when we got off the submarine.

(P.907). Before leaving Germany, we were told to wear our clothes we had brought from the United States. I did not miss the vest because I was frightened at the time of dressing.

(P.908) George stated that he had left a notebook on the bench. I

know nothing of this book. I was not given the names of any people to contact in the United States prior to my leaving Germany. Since my arrival, I have not talked to any of my old acquaintances in this country.

DIRECT EXAMINATION WAS RESUMED.

Witness identified Exhibit P-159 as the statement signed by Quirin on June 25th. The statement was signed on each page, corrections were made in ink, and initialed by Quirin. These statements were read by Quirin.

PRELIMINARY EXAMINATION BY COLONEL ROYALL.

Between the time of the signing of the first and second statements, I talked with the defendant, and he gave me additional information which was not contained in the original statement. The statement that I just read was originally taken, at which time there were some statements made in there that he said were not true, so he started over and made the statement to his liking. He stated that the statements in the new statement were true. He did not complete the first statement because he said it was all a lie, he did not want to hear anything about it, and that witness made no promise to Quirin pertaining to these statements, but explained to Quirin that as an agent of the F.B.I., it was his duty to collect facts, and that he would appreciate Quirin's co-operation in giving him these facts, and that when that statement was read it would show for itself that he had co-operated to that extent. Special Agent H. G. Foster and a stenographer were present when the statement was signed. (P.912).

DIRECT EXAMINATION WAS RESUMED.

(The following is a summary of the statement made by Quirin not in, or in conflict with the previous statement).
(P.913).

My mother's name was Helen Quirin, so I took her family name. When I was two years old my mother left me with my foster parents, Ernst Fartsch. My foster father died when I was around nine. When I was twelve, I went to Hanover to live with my mother. (P.914) I received the money to come to the United States from my uncle, Emil Quirin who worked as a customs agent on the border between France and Germany. I left Bremen on October 17, 1927 and arrived in the United States under the immigration quota. In Schenectady I went to a night school and learned to speak English better, living there with my uncle. I was laid off from the General Electric Company in 1930 because the depression and later came to New York where I met a man by the name of Rudolph who taught me to paint.

(P.915). Between 1930 and 1938 I worked at odd jobs painting. In 1929, I applied for my citizenship papers and received my first papers. That I never became a citizen because I was not sure I was going to stay in the United States. My wife never became a citizen either.

(P.917). The only persons I remember in the Friends of New Germany are Willie Mattice and a person named Hauptner. (P.918). The German Consulate office in New York told me that I should not belong to the New Friends of Germany because I was a German Citizen, so I resigned, and got a paper to show that; went back to the Consulate, signed some papers, and became a member of the Nazi party. I never attended any meetings in the United States. (919). The only correspondence I had since coming to the United States was

with my family in Germany, and my wife wrote the letters. I heard rumors in 1939 that the German Consulate was paying the way back to Germany for men who had a trade. My wife was homesick and I wanted to return, for I thought a lot of the German Government and thought it would do a lot of good for Germany and sympathized with it, so I went to the German Consulate and made arrangements for my return. I paid my wife's way back in May, 1939, and I returned in July, 1939 on the Bremen, buying ruckschwanderer marks with the money I had as it was my intention to stay in Germany. I landed at Bremen, Germany; was met by representatives of the German Labor Front. (P.923). I signed a membership card for the Labor Front when I started to work. (P.927). I first went to work at Volkswagenwerk and I became acquainted with Henry Kayser. In February Walter Kaype came to Volkswagenwerk and made a speech to all the people who had come back to Germany from the United States. On the next day Henry came to me and told me he had heard they were looking for some fellows that would go on a trip to America to do some work in connection with the war for Germany. I said I would think it over. In April, Henry showed us a letter from Walter Kaype and it had my name in the letter telling us to come to a certain farm located near a lake near a little town called Brandenburg. We went to the farm; after we arrived, Friday, Henry Heinck, Pete Burger, George Dasch Eddie, Herman, Bill and Jerry Swenson came. (P.928). Kaype explained that we were to be instructed in explosives and were being sent over to America to do some sabotage work.

(P.930). The school started about the middle of April, 1940, and we received about three weeks' schooling in formulas, explosives, etc. (P.930 to P.934 describes the explosives and teaching methods). (P.934) In connection with our sabotage work in the United States, Kaype told us that we were to disable armament factories, airplane factories and any factories that were making war materials by blowing up power lines and railroads.

(P.935). While we were at the farm, they gave us a black outfit to wear which had black trousers, black coat and black cap. All other times we wore our own clothes. (P.936). Dasch told me after school we were supposed to go to Chicago. It was understood that Dasch, being the leader, would tell us what to do when we got to the United States, and that he had received some instructions that we knew nothing about. Kaype told us that if we had friends in the United States whom we thought would work for Germany, that we should discuss it among our group and all agree whether it would be a good thing to go to see them.

(P.937). In our group was Dasch, Heinck, Burger, Swenson and myself. There was another group composed of Herman, Bill, Eddie and Harbie. Each group was trained together. While we were on the farm, all of us did not use our right names. I used the name of Richard Quintas.

(P.938). While we were at the farm, I went with Kaype and filled out a paper and I was told that my wife was to receive 300 marks a month for her and my daughter Rose Marie's support. That I was also told that if I were permanently hurt, I would receive a pension, and if anything happened to me that my wife would get less money but that she would be taken care of. After the war was over, we were to return to Germany, at which time we would be well cared for.

(P.940) While we were in Berlin, Kappe gave each of us a Social Security card with our names filled in on it. That he filled in with the name I was using which was Richard Quintas. He also gave us a registration card which was already filled in and I just signed my name to it.

(P.941) About three or four days before we left Paris, Bill, Herman, Herbie and Edmie left to get on a submarine to come to the United States. Swanson came down with a venereal disease on the last day, and could not go with us.

(P.942). The submarine was painted gray. It had painted on the tower a pig with spikes on it.

(P.943). We were told by George Dasch that when we got on the beach to take off our uniforms and put them in a sack and sailors who were to accompany us would take them back to the submarine and then we would change into our own clothes.

(P.950). While we were lying down, after we had buried the boxes, and waiting for morning, I heard a noise and we thought this noise was made by the submarine taking off.

(P.953). Henry and I got together with our meeting with Dasch and Burger at Grant's Tomb. He told us that George said that on account of the guard, we would leave the explosives where they were, as it was not good to go back for them.

(P.954). We mentioned at times what would happen if we got caught and we talked about what we would say and we thought it would all be over in case we were caught. I am a citizen of Germany and a member of the Nazi Party and I feel that my loyalty is to Germany. I was not forced to come into the United States, and I volunteered for this proposition. I volunteered after I was made acquainted with it. I knew I was to work for the benefit of the German Government in this war by doing what I could in the United States to hinder production of war supplies and materials. While I was in school in Germany it was my intention to come to the United States to do this work, and if I had not been apprehended it is possible that I might have carried out my instructions, although I am not sure. I do not feel myself any different from any soldier over there, as I felt it was my duty to do something for the Fatherland, being a German citizen and loyal to Germany. Since my arrival in the United States, I have not talked with any of the people that I knew when I was here before.

DIRECT EXAMINATION RESUMED.

(P.956). (Witness identified Exhibit P-151 as the third statement made by Quirin, as signed by him at the end and on the first two pages. That it was signed in the presence of witness on July 3, 1942, and also in the presence of Special Agent C. E. Airhart). (The following is a summary of the statement of Quirin dated July 3, 1942, insofar as it is a supplement to or in conflict with either of the foregoing statements.)

(P.958). (On pages 958 through 960, Quirin described the trip he made in factories, railroad yards, and canals in Berlin, prior to leaving there.)

(P.960). That after we arrived in the United States around the middle of that week, Henry told me he wanted to go see a friend of his. We went out by the Jamaica subway and got out at either

86th or 46th Street. Henry went in and I waited about two hours, after which Henry came back and told me that his friend's name was Faje, and that he had only been able to see Mrs. Faje, as her husband was not home, but that she had invited us for dinner that evening. We went to the Faje's apartment for dinner. During the evening it was mentioned that we had come to the United States on a German submarine. Henry never told me that he gave Faje any money.

DIRECT EXAMINATION RESUMED.

(P.962). Witness identified Exhibit P-152 as the black leather bill-fold taken from Quirin, which contained a Social Security card and a draft registration card, and a lottery receipt, a card from a salesman of Rogers Peet and \$63.00 in cash. Witness identified Exhibit P-153 as the draft registration card taken from the bill-fold, and Exhibit P-154 as the Social Security card taken from the bill-fold. Witness identified Exhibit P-155 as a money belt taken from Quirin which contained \$3,850.00.

(P.964). Quirin stated that the cards were furnished to him in Germany by his instructors at the farm. Then later he said they were furnished to him by Kappe in Berlin. He said that they were already made up in the name of Richard Quintas and he signed his name as Richard Quintas. That he signed all of the draft registration cards. That the money was given to him by a person in Berlin whom he didn't know. He subsequently said that it was given to him by Dasch on the submarine and was told that it contained \$4000.00.

CROSS-EXAMINATION BY COLONEL ROYALL.

(P.965). Quirin gave full and free information about the industrial and social conditions in Germany. (P. 966). That the first statement of Quirin was not the first statement obtained from any of the defendants.

REDIRECT EXAMINATION.

(P.968).

Quirin was shown certain articles of clothing found on the beach at Amagansett, at which time he identified tennis shoes as having been worn by him at the time he landed from the submarine. He also said that the articles of clothing, such as trousers, jacket and cap were similar to the ones he had worn, although he could not pick out the exact clothing he wore at the time he landed.

TESTIMONY OF H. G. POSTER, SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION OF THE NEW YORK OFFICE, A WITNESS FOR THE PROSECUTION.

(P.971). Witness identified Exhibit P-156 to Exhibit P-171 as being photographs of material worn by or material brought in by the agents who landed at Long Island which were exhibited to Quirin and endorsed by him.

CROSS-EXAMINATION BY COLONEL ROYALL.

(P.974).

Witness did not take any statement from any of the other defendants.

REDIRECT EXAMINATION.

(P.974). Witness identified Quirin.

Testimony of Richard L. Johnson, witness for the prosecution
recalled for cross-examination by the defense.

CROSS-EXAMINATION OF COLONEL ROYALL
ON BEHALF OF HEINCK.

(P.977). Heinck stated that he had shaken hands with Dasch, after Dasch had disposed of the coast guard, and told Dasch that there was now no question as to his being the leader of the group. That Heinck's first statement was to the effect that he believed he did intend to carry out his instructions when he landed on the beach. He stated that he and Guirin later had a discussion relative to this matter and there was some doubt in their minds as to whether they would or not. That Heinck later made the statement that he would not have known anything else to have done but carry it out. He said that otherwise he felt like he would have been ratting on his country.

TESTIMONY OF E. DONOHY RICE RECALLED FOR CROSS-EXAMINATION
BY THE DEFENSE: A WITNESS FOR THE PROSECUTION.

CROSS EXAMINATION BY COLONEL
RISTINE.

(P.979). That the defendant's Exhibit C-2, appears to be similar to an envelope that witness received in the Governor Clinton Hotel. Witness had never seen defendant's Exhibit C-1. That Exhibit C-2 was given to witness by the manager of the Governor Clinton Hotel on June 20th, 1943. That the envelope is addressed to Mr. Ernest Peter Burger, Room 1421, Governor Clinton Hotel, New York City. It is an envelope of the Hayflower Hotel, Washington, D. C. (That the envelope was sealed and received, and it was at this point stipulated by counsel that C-1 was a letter which was contained in C-2, when C-2 was delivered to the witness.)

(P.989). (At this point, it was stipulated by both parties that the defendant's Exhibits B-1 to B-4 and Exhibits C-1 and C-2, are letters written by the defendant Dasch.)

(P.992). TESTIMONY OF NORVAL B. WILLS, A WITNESS FOR THE
PROSECUTION RECALLED FOR CROSS-EXAMINATION BY
THE DEFENSE.

CROSS-EXAMINATION BY COLONEL RISTINE.

(P.992). Witness testified that that the question and answer on pages 129 and 130 of defendant's Exhibit A, relating to certain statements made by Burger during the school, and answered by Dasch in your presence.

(P.993). (At this point, Colonel Ristine offered in evidence the entire document marked Defense Exhibit A which contains a stenographic transcript of the statements made by Dasch and all of the questions asked and the answers given by him from June 19, 1943 to and including June 25, 1943, at which time Dasch signed each page thereof. The Attorney General objected to the admission of this document in evidence. (P.1003). The President ruled that the confession will be introduced at this time in connection with the cross-examination and (1016) overruled the objection of the Attorney General.)

(P.1023). The President ordered that the so-called confession of Dasch be read. (P.1025). The prosecution stipulated that the document is Dasch's signed confession.

(The following is a summary of the relevant statements of Dasch).
(P.1027).

I was born in Speyer on the Rhine in Germany on February 7, 1903, son of John Dasch, a carpenter, the fifth child of a family of thirteen children. In 1917, I was drafted to do some emergency war work with the City Administration in my home town. At the end of 1917, I volunteered in the same capacity with the German Army, and on the 3rd of January, I was sent to Northern France. (1028). In November, 1918, the day after the Armistice, my outfit marched back into Germany, where, on the 11th of December, I was discharged when reaching the left bank of the Rhine. (P.1028). I went home and found the last contingent of German soldiers in my home town, as well as my mother's quarters. On December 12th, the French Army of Occupation took over my town. I was drafted by the City Administration as an interpreter. (P.1029). I subsequently began to fight for the rights of my fellow countrymen and to escape being in prison, was forced to flee. That I went into the unoccupied zone of Germany, and took the first job I could get.

(P.1029). In 1920, I entered the Catholic Convent of the Sacred Heart at Dusseldorf to continue my education, having been given basic socialistic ideas by my mother. In 1922, I went to Holland, and tried to board an outgoing steamer from Rotterdam; I was unsuccessful and returned to Germany and went to Hamburg, and again tried to board a steamer and was again unsuccessful. I then returned to the Rhur District for awhile, and then returned to Hamburg, and in August, 1922, managed to stowaway on the American ship SS Schoharie of the Kerr Line. I landed in Philadelphia on October 10th or 11th, 1922, and went to work for a German Baker. (P.1033). My sole thought after landing was to try to rectify the regulation of the Immigration Law in this country. In October, 1923, I went to the Barge office in New York City with the request that I be instructed as to how I could become a citizen of this country. I advised them that I had taken out my first papers and how I had entered the country. I had to go to the Customs House and pay \$8.16 head tax and have some pictures taken; thereafter, I was given an alien seaman identification card staged "Legally admitted to the United States and head tax paid," in the name of George John Dasch. (P.1034). I sailed from New York in September or October, 1923 to Hamburg, and returned on the same boat four weeks later, and was discharged. (P.1034). I enlisted as a private in the army at New York City in August, 1927, and served for one year, one month and ten days. I gained a discharge by purchase, receiving an honorable discharge. The reason I decided to buy out of the Army was I thought I could not advance in aviation generally. I thereafter returned to work in San Francisco and went back to New York City after a few months. (P.1036). I thought by joining the Army I would automatically become a citizen of the United States, but after discovering that error, I went to the District Court in Honolulu to apply for my final citizenship papers, and was told I would have to prove residence for a period of two years. I undertook the same procedure again in the State of California.

(P.1037). In March, 1930, I went to Germany on a re-entry permit, and remained there for about two months and re-entered the United States via New York. On September 18, 1930, I married Rosemarie Guilli, who was born in Malton, Pennsylvania. (1038). In November, 1930, I visited Germany, France, Switzerland, Italy, Austria, and returned to this country after about three months. (P.1043). My mother, Frances Dasch, visited me in June, 1939. For the last fifteen years I have been opposed to the Nazi Movement in principle. In 1936, my brother Ernst Dasch, who had been to Germany, threw me out of his house, because I did not agree with his praise of Hitler. (1043). My mother also praised the work of Hitler, so that I thought that perhaps

I had become prejudiced and that my mind had become closed to the truth. (P.1046). My mother returned to Germany after the signing of the Russo-German pact in August, 1939. Although I passed all examinations, etc., for receiving my final citizenship papers, and was given a waiting number and because in September, 1939, when Germany went to war, I decided to let my application for citizenship slide, because I thought I would be a rat to renounce the citizenship of my birth in time of war, and I was partially convinced by my mother that Hitler and Germany were on the right track. (P.1047). I was advised by the German Consulate to let the citizenship papers slide. I had told the German Consulate in New York in 1939 that I wished to go back to Europe, and repeatedly attempted to do so, through the consulate, which permission was denied. (P.1048). In December, 1940, I falsified my political creed to the German Consulate, because I could not tell them the fact that only during the recent past had I happened to believe in their ideas.

(P.1050). On March 32nd, 1941, I was told by the Consulate that I could sail, and left on that day, leaving my wife. I went to San Francisco, and boarded a Japanese Steamer, Tatuta Maru, March 27, 1941. (P.1053). We arrived in Yokohama on April 11th, and left there on April 22nd, arriving in Moscow on May 11th, arriving in Berlin on May 13th. (P.1056).

(P.1063). I met Lieutenant Kappe on June 3, 1941. He was at that time in uniform. (P.1064). He offered work in the German foreign office or some other form of endeavor. (P.1065). I began work as a monitor in a listening station for foreign broadcasts that night; this was on June 6, 1941. (P.1066). I was assigned to the American group, took care of the news propaganda and articles which the world's radio stations set out. (From Pages 1067 through 1069, Basch described social conditions in Germany.) (P.1069). After it became clear to me that the Nazi set up had to be fought, I determined to find a way to leave the country. (P.1074). One day Kappe called me to come to see him. I did so, and he had me sign an oath of secrecy and asked me if I would like to go back to America^{or} industrial sabotage. I furnished him a five-page memorandum on sabotage in America, and advocated military acts of sabotage. (1083). On January 9th or 10th, 1943, I had a conference with Captain Astor and Lieutenant Kappe regarding this matter, and was advised that twelve people might go with me, among them being a person by the name of Eddie Kerling, who is the holder of a gold Nazi emblem which signifies that he is a man of old standing. That he and I had been chosen as group leaders, our group being designated as Group #1 and Kerling's as Group #2. That the form of training we were to have was that of the practical application and handling of explosives and the manufacturing of it with ordinary drug store products. On February 27th, I was released from my employment for the official reason of being called for military service. I was drafted by the Army and am still carried on their payroll. (P.1089). On March 15th, a group of twelve people went out to Quantz Lake, which is located near Brandenburg, to quarters equipped to thoroughly train men for sabotage work. (P.1090). We received three weeks' instruction, learning to use and make materials out of chemicals and other by-products which were easily bought in any drug-store. (P.1091). We left the training school on April 30, and went to Berlin. (P.1094). The finally constituted Group I consisted of myself, Swenson, Burger, Quintas and Kaynor. Swenson never made the trip over because of illness in France. Group 2 consisted of Kerling, Thomas, and Neubauer. (P.1095). We reported back to Berlin on May 11th and were given instructions on secret ink writing. On the second day, we jotted down different addresses on handkerchiefs, one of which is in my possession now. I had put down in my life story that I had a brother in America. I gave

him a false address of my brother as being one in which Kerling could always find me in case we lost contact. (P.1097). I have on my handkerchief the name of a Protestant priest whom I am supposed to approach and the name of another person out in Chicago, and also the address over which I may always contact Kerling. Kerling, also, has the address of the priest, the one in Chicago and the phony address of my brother. (P. 1098). On May 12, 13 and 14, groups visited certain plants around Berlin, and explanation was made as to how such plants could be sabotaged.

(P.1103). On May 22nd we left Berlin for Paris, where we arrived the next day, leaving there on May 25th for Lorient. Kerling's group was to leave on the submarine 202, and my group on submarine 203. (P.1104). Kerling's group left on May 26th; on May 28th, we put on dungarees which had been given us in Berlin, while our civilian clothes were in a sea bag, and with four boxes, reported to the submarine.

(P.1109). As we approached American waters, we were forced to slow speed on account of the fog. (P.1111). Before landing, we had agreed that in case we were stopped by anyone, I should use an act of violence and send him back in the rowboat to the submarine, so they could take care of him. (P.1113). On landing I went right away on top of the beach, and took a look of the surroundings. I noticed beacons to the left of us and beacons to the right of us. I ran back to the boat and gave the boys instructions to take off their dungarees and put on their civilian clothes while I still had on the dungarees. I saw a tall person walking along the shore towards us with a flashlight in his hand. I approached him and he asked me "What are you doing down here?" and I said we got lost. We left East Hampton to go down to Montauk Point and we got lost. He said that his station was right up there at Amagansett. (P.1114). The sailor asked me to come along to his station. I was confronted with a very ticklish problem. In order to carry out my instructions, I would have to lure the man back to the boat so that he could be overpowered; on the other hand, if I went to the station with him, could not explain the situation. I therefore gave him \$300.00, told him that my name was George John Davis and told him that he would hear from me from Washington. He said that his name was Frank Collins and left. (P.1116). The other boys were excited, so I had them bury the boxes. We found the clothes that the boys had taken off, and after taking off my clothes, we buried them. After waiting for awhile, we started walking until it became lighter, (P.1120) and we came to Amagansett. We purchased tickets to Jamaica and got on the train. There we split into two parties, Burger going with me, and Kaynor and Quintas going by themselves (1122). The next morning I opened the conversation with Burger by beginning with the incident and the words we exchanged at the time we were together in a restaurant back in Quanta. Burger told me his life story and I told me that I had come to this country for the opportunity to fight Hitler and his gang in my own fasion. Then we met the other two boys, I told them I would have to leave New York in order to contact some people. Burger knew that I would go to Washington the coming week when my nerves had quieted somewhat. I lost my Social Security Card on the train between Paris and Lorient. I did not have a registration certificate because I was too old for the draft, although I knew that it was my duty when I got to America to get myself a new registration card because the limit had been raised. That was the argument I gave Kappe. (P.1128) Sunday night Burger and I went to the Iceland Place on 53rd and Broadway, where we met Danny Doyle. (P.1129) I called the F.B.I. Sunday night and told them I was a German Citizen, and had arrived in this country yesterday morning, and gave the name of Frans Daniel Postorius. I told the F.B.I. the case was so big, Washington would be the right place to spring it, and that the first person to hear it should be John Edgar Hoover; although he begged me to come down, I would not do it, and asked

him to notify Washington that I was coming. I described my physical characteristics with him. (P.1133). On Monday night, we went back to the Islands and saw Mike Larson (P.1133), and Mr. Meyer, the manager (P.1133), and played cards there all night, Tuesday, until Wednesday morning at 7 o'clock, during which time I spoke to several members of the club. (P.1133). I left New York at 2:30 on Thursday, and arrived in Washington a little before 7 o'clock and went to the Mayflower Hotel. That night I went to a restaurant, and saw a boy whom I knew. His name was Louis Martin, and he and I went to a cocktail room later, and I told him what I intended to do.

(P.1140). The next morning I called the information service of the United States Government and told them I had to make a statement of military, as well as political value. They gave me The Adjutant General's Office, and I called the number of The Adjutant General's office and I finally got Colonel Granger's telephone. He was not in and I left word for him to call me at the Mayflower. I then called the F.B.I. and talked with Mr. Traynor, and gave him an assured outline. As I finished talking to him, Colonel Granger called me back, and I told him I had already made arrangements with Mr. Traynor, and that there was a man on his way to get me.

(P.1149). While waiting for Mr. Traynor, I wrote a letter to Burger, telling him of my arrival in Washington, and to keep his courage up, and to keep the boys together and not to lose them, and to wait for further instructions. I gave that letter to the waiter to mail airmail. Mr. Traynor came at about 10:00.

(P.1149). That day in Quince, Burger made statements which were directly against the Party System. I told him to shut up. (P. 1149). It was decided on May 11th, how much money each would carry. The reason that I had \$80,000.00 instead of \$75,000.00 is the fact that the fifth member of the group fell out at the last moment and the extra \$5000.00 was for him. (P.1153).

(P.1159). The instructions were to hide the boxes of explosives in a safe place, and come back after a certain length of time for them. (P.1160). Group 2 was to bury the explosives in the same way. I am to meet Kerling on July 4th between 12 and 2 o'clock in the grill of Hotel Gibson in Cincinnati, or, if we are unable to make contact, that same evening between 6 and 8 o'clock. (P.1161). The Hotel Gibson was selected as a meeting place because it is away from the coast line and is in the middle of both territories. (P.1162). That no one except Kerling knows the meeting place. (On pages 1163 through 1164, Daesch described Kerling, Neubauer and Haupt.) (1167) While at school, we wore Polish uniforms which had been dyed a blue color.

(P.1172). That the landing places were decided upon because I know New York, and Kerling knew Florida. (P.1174). That it was not intended that any work should be done prior to the Cincinnati meeting. (P.1175 through 1184 are devoted to a description of Quirin, and Burger).

(P.1185). I have an undercover address in Lisbon which is on that little handkerchief. I was instructed to use this address for communication to them of all additional changes which I happened to observe while I am here for the camouflage papers the groups which are here are supposed to follow.

(P. 120). I also have the undercover address of Kerling, in case I lose contact with him. -53-

(P.1205). It was also the job of this whole undertaking to recruit a number of responsible people.

(P.1249). The landing place in Long Island was picked out because I had previously lived there and knew the country. (P.1257). I advised Pete Burger to try and induce Heinck and Guirin to put at least \$2000.00 into a safe place so that they will be able to get home to their wives and children after being interned or having been punished. (P.1259). I told Burger not to worry about his money because I was quite sure he would not be punished, because I knew he came to America for the same reason that I, and I will be delighted to bring to places that he can prove his knowledge, and that his knowledge will be used for the best purpose of fighting Germany.

(P.1272). At the time of landing, I did not know exactly who Pete Burger was. On an occasion in Quanta on the first Saturday we were in school, Burger walked over to a restaurant and he said "Those dirty bastards certainly beat me up bad and I like to ----" and I told him to keep his mouth shut. I said "the time will come and the place will come when I shall ask you to reopen what you just had on your mind. Now don't say nothing." (P.1273). He opened up and told me all about himself last Sunday, the day after we landed. Burger knows that I am here. He came to this country not for the purpose of following his mission but to get away from them and fight them in his own way.

(P.1297-1306). (Dasch describes school buildings and instructors, as well as school life and routine.

(P.1309). My wife left New York on April 26th for Germany, her fare being paid by the German Consulate.

(P.1310-1320). (Outline of proposed sabotage objectives and methods of accomplishing sabotage.)

(P.1323-1328). (Description of tours through industrial plants in Germany and methods of sabotaging rail communications.)

(P.1328-1333). (Further description of tours through industrial plants in Germany.)

(P.1334). That the word "Bingo" which appears on the handkerchief, which had been treated by ammonia fumes, is the name for Haupt under which he is known in the German High Command. (At this point Dasch was examining a photograph of the treated handkerchief). That what is read is that to be used as an undercover in case he should need it. That a second name on the handkerchief is Walter Frohling, 364 Whipple Avenue or Whipple Street, Chicago, and is to be used in case we decide at our headquarters to find a farm, or a hideout where we put the boxes. That Frohling is either a relation or friend of Haupt's, and I could also reach Kerling through him. That the name Helmut Leiner, 21-58 39th Street in Astoria, is an address through which I could always contact Kerling. That Kerling has on his handkerchief the false address of my brother on Pekham Road. That the foreign address is Lopes, Concovia, Lopes, Lisboa.

(P.1335). That the other name is that of Father Krepper, c/c Gene Fray, R. F. D. 2, Box 40 in Rahway. Keppe told us to go to him in case we needed any help in regard to birth certificates and identification papers.

(P.1335). I was told that Helmut Leiner is an American citizen.

(P.1337). That Kerling stated in Lorient that he, Haupt and Neubauer would go to Chicago and Thiel to Pittsburgh, and thereafter would go to New York, before they met me.

(P.1338). (Dasch identified a picture of Neubauer).

(P.1340-1346). (Description of radio communication on submarine.)

(P.1347-1375). (Description of submarine).

(P.1376-1390). (Description of V-Men and Espionage set-up of High Command.).

(P.1390-1399). (Description of methods of recruiting sabotage and organization of schools and additional groups to come over later. Detailed description of Swenson and Dempsey.)

(P.1390-1411). (Description of methods of secret writing. Further discussion of Dasch's handkerchief and method of communication between the agents.)

(P.1411-1435). (Observations on American propaganda in Germany, description of Dasch's job as monitor.)

(P.1435-1463). (Description of living conditions in Germany.)

(P.1463). That to the best of my knowledge, Burger is the only one of the group who is a citizen of the United States.

(P.1464-1470). (Description of military activities in Germany.)

(P.1470-1475). (Description of availability of raw materials in Germany.).

(P.1475-1481). (Methods of communicating between submarines and bases).

(P.1482-1483). (Description of the methods of communication between agents of this country.)

(P.1484-1487). (Additional submarine communication.).

(P.1489). CROSS-EXAMINATION OF NORVAL D. WILLS RESUMED.

(P.1490). That witness spent the nights of June 22nd, 23rd and 24th, as well as June 21st, 1942, with Dasch at the Mayflower Hotel, during which period he showed witness a brief case and manilla envelopes, one of which had \$23,000.00, and the other two had \$30,000.00 written on each of them.

(P.1492). That Dasch stated that this money had been turned over to him by the German High Command. That Dasch stated that he had decided to come back to this country and broadcast propaganda back to Germany to fight the ruling powers, and that such a statement was

written on the manila mentioned.

REDIRECT EXAMINATION.

(P.1493). Dasch said he wrote on the envelope. (P.1493). That witness does not know whether the stationery was that of the Mayflower or the Governor Clinton Hotel.

(P.1493). Witness identified Exhibit P-172 as the writing shown to him by Dasch. (P.1495). That witness did not see the brief case containing the money the first night you spent with Dasch in his room. That Agents Johnstone, Davis, Stigler, Taylor, Brucka, and O'Connell, and possibly one or two others spent the night with Dasch.

TESTIMONY OF CHARLES F. LANMAN, A WITNESS FOR THE PROSECUTION,
RECALLED FOR CROSS-EXAMINATION.

(P.1499). CROSS-EXAMINATION BY COLONEL ROYALL ON BEHALF
OF BURGER.

That Burger was not advised that he had been arrested on the day that he was taken into custody. That witness believed it was shorter than two or three days before Burger was so advised.

(P.1500). Burger stated that Kappe told him prior to his leaving Germany that if he successfully carried out the plan and return to Germany, he would be placed in a detention camp.

REDIRECT EXAMINATION.

(P.1503). That Burger was taken into custody on June 20th. That the statement on page 65 of the Burger statement to the effect that he was arrested about five o'clock on June 20th was stated in witness's presence.

RECROSS EXAMINATION BY
COLONEL ROYALL.

(P.1504). (At this point the other two letters taken from Dasch, which were addressed to Burger, namely, defendant's Exhibits B-1, B-2, B-3 and B-4, and C-1 and C-2 were introduced in evidence by Colonel Ristine.)

TESTIMONY OF W. WILLIS FISHER, SPECIAL AGENT OF THE F.B.I.,
A WITNESS FOR THE PROSECUTION.

(Witness identified (P.1509) Edward John Kerling and stated that he took Kerling into custody on June 23rd, 1942, at about 10 p.m., with the assistance of Special Agent T. J. Donegan and Special Agent B. D. Rice. That he was taken into custody in front of the Shelton Hotel on Lexington Avenue, New York City. That he was then taken to the office of the F.B.I. That a Waiver of Search was obtained.)

(P.1524) Witness identified P-185 as a pocketbook taken from Kerling. Witness identified P-186 as a Social Security card removed from Kerling which Kerling stated he obtained in Germany. That P-187 is a selective service card removed from Kerling, and that P-188 is a slip of paper removed from Kerling which has a pencil notation reading "Maywood 3609, Bartler." (P.1526). That Kerling stated that this was a number through which Herbert Haupt could be located in Chicago.

CROSS-EXAMINATION BY COLONEL
ROYALL IN BEHALF OF KERLING.

(P.1536). That witness was present with Kerling at the time Agent Donagan was present on the evening of June 23rd and the morning of June 24th in the New York office of the F.B.I. That the defendant Kerling complained to a physician by the name of Dr. Dyer about the treatment given him by Agent Donagan. (P.1537). That Dr. Dyer asked Kerling how he was being treated and if he had any objections, and Kerling said that he did. That Kerling stated that someone hit him in the face. That some five minutes later, Donagan entered the office and asked Kerling if he, Donagan had struck Kerling in the face, and Kerling said, "Well, you brushed me lightly on the side of my face". That Donagan later took Kerling out of the room alone after which Kerling retracted part of his statement. (P.1538). That witness was present with Kerling most of the time, from 10:15 p.m. on June 23rd until 6:50 a.m. June 24, 1942.

(P.1539). That Kerling stated he was sleepy and wanted to lie down. That witness got him a cot to lie on. That there was no stenographic report made or questions asked him that night. That witness left at 10:50 a.m. the next morning, up to which time no statement had been taken. That during the time of witness's presence, Kerling asked to have a lawyer, and was told that at a right time, he would be given an opportunity. That he only asked for a lawyer one time and later demanded if he had his civil rights.

CROSS-EXAMINATION BY COLONEL
RISTINE.

(P.1540). That P-181 contained the name Ernest Dasch and the number 11 Pelham Road, New London. (P.1541). (At this point it was stipulated by counsel that the writing on Exhibit P-161 could be verified by an expert; that Exhibits P-182, P-183, P-184 are a kind of secret writing device, being the matches mentioned before.)

TESTIMONY OF JOHN A. HOLTEMAN, SPECIAL AGENT OF THE F.B.I.,
A WITNESS FOR THE PROSECUTION.

(P.1542). That Exhibit P-189 is a waiver of removal given by Kerling. (P.1543). That P-190 is a voluntary statement of Kerling.

PRELIMINARY EXAMINATION BY COLONEL ROYALL.

(P.1544).

That the statement is dated June 28, 1942, and was signed by Kerling on that date. That the information obtained in that statement was obtained primarily on June 24th and June 27th. Starting on the morning of June 21st in the presence of Agent H. B. Griffin.

(P.1545). That witness first saw a doctor in Kerling's presence on either June 28th or July 1st. That Agent Fellner was with Kerling when witness met him, and left shortly thereafter.

DIRECT EXAMINATION RESUMED.

(P.1546). That the changes in ink on Exhibit P-190 were made by Kerling.

(That the following is a summary of the statement of
Herling.)

(P.1546).

I was born in Wiesbaden-Biebrich, Rhineland, Germany, on June 12th, 1909, and graduated from public school and the high school in Wiesbaden, and attended Friedberg University for two semesters. (P.1547). I came to the United States on the SS Dresden in March, 1938, as a tourist passenger under a quota, and procured a position with the Dold Packing Company in Brooklyn, New York. On October 13, 1931, I married Marie Sichert who had come to the United States in either 1923 or 1926 from Munich. In June, 1933, my wife and I returned to Germany on the SS Deutschland, and landed at Hamburg; returning in September, 1933 on the same boat. (P.1548). I again went to Germany in June, 1935 alone on the SS Europa and stayed there about four weeks, and returned on the SS Bremen. (P.1548). In the latter part of 1938, I and others purchased a boat, Lekala, in Baltimore, and sailed to Florida. It was our intention to return to Germany in this boat, but because of restrictions placed upon it we were unable to do so and consequently were forced to sell the boat in Miami. In June, 1940, I returned to Germany on the SS Hochrhein by way of Lisbon, Portugal, and Rome, Italy, arriving at Innsbruck on August 3, 1940. I then went to Berlin and got a position with the German Army. I was sent to Deauville, France, to work in an army listening post translating records of English broadcasts. After three months, I returned to Berlin, and got a job with the Propaganda Ministry where I remained until April, 1942.

(P.1549). Around the middle of April, 1942, Kappe came to my office in civilian clothes, interrogated me, and asked me if I wanted to return to the United States. I asked him why and he told me that I would get the necessary information later. That he could arrange to get me away from my job where I was making 600 marks a month. About a week later, Kappe came back to the office and asked if I would like to come to the United States on a military mission as a soldier. I asked for information and he said I would find out later, and I agreed that I would take the assignment, thinking that it would involve coming to the United States in uniform, getting the job done and returning to Germany.

(P.1550). I went to Kappe's address and met George Dasch. Kappe told me we would attend a school at Brandenburg, for a special training course. On a subsequent visit to Kappe, I found George Dasch, Herb Haupt, Herman Neubauer, Thiel, Peter, last name unknown, Heinrich, last name unknown, Henry, last name unknown, Smitty, and an unknown man, and a man called Dempsey. We went to Quinz and were given instructions. We were instructed in explosives, etc., (P.1551) but were not given specific instructions as to plants or facilities that we were to destroy in the United States, but were told to concentrate on power lines, railroads and other facilities without injuring or killing anyone. (P.1552). When the course was completed, we met in Kappe's apartment in Berlin, and were divided into two groups; our group being Haupt, Neubauer and Thiel. The other group was composed of Dasch, Smitty, Peter, Heinrich and Henry.

(P.1553). I was given about \$2500 in \$50 bills in a money belt, and three satchels containing false bottoms which held

approximately \$35,000. I was given charge of the money for my group of four, and at the time we arrived in the United States, I turned one of these satchels over to Neubauer to care for. I was also given four or five matches that were capable of producing secret writing. No one else in my group got any of these matches. I was told that after we became settled and located in the United States, I was to communicate by use of these matches with Lieutenant Kappe in Berlin. The communication was to be effected by using a mail drop address in Lisbon, Portugal which was furnished to me in secret writing on a white handkerchief. This address, which I do not know from my own memory, was to be produced by putting the handkerchief in ammonia and holding it up to the light. (P.1554). There was also an address of a relative of George Dasch's on this handkerchief through which I could get in touch with Dasch. Dasch was given a similar handkerchief containing a mail drop address and the address of my wife written in secret writing, so as to enable him to communicate with Germany or get in touch with me in case he needed assistance. I was told to mention Kappe's name in the secret text hand writing on the letter sent to the Lisbon address, and to put a message for Kappe in secret writing using the matches furnished. We were given a wide discretion in the use of the money.

(P.1555). Besides the money furnished, I was to receive my regular salary that I had been getting from the Propaganda Ministry, which was 600 marks a month. This was to be credited to my account in Berlin. After we met in Berlin, we proceeded to Lorient, France by rail with Lieutenant Kappe.

(P.1556). I had been furnished a draft registration card and a social security card made out in the name of Edward J. Kelly.

(P.1556). During the night of the day we arrived in Lorient, my group of four were taken on board a submarine and we made the trip to the United States. I picked out a spot and my group of four and a sailor came ashore in a rubber boat, bringing with us four boxes of explosives, three satchels containing money and articles of clothing and a shovel to be used for the burying the explosives. (P.1557). Upon arriving on shore, the sailor was taken back to the submarine and I examined the vicinity and buried the boxes. (P.1557). On my arrest on June 25th, I directed the Special Agents of the F.B.I to the spot where the explosives were buried and was present during the time they were photographed and removed, from this spot. (P.1559). After we buried the four boxes, we took off our swimming suits and started for Jacksonville Beach. The dawn was just breaking when we arrived at Jacksonville Beach, and waited around there in our swimming suits until about 11 a.m. when we put our clothes on and caught a bus to Jacksonville. This was on Wednesday, June 17th, and Neubauer and I immediately separated from Haupt and Theil. Neubauer and I registering as Nichols and Kelly at the Seminole Hotel in Jacksonville and Haupt and Theil went to another hotel.

(P.1559). That afternoon Haupt, Neubauer and I agreed that Haupt and Theil would catch a train the following morning for Cincinnati and Theil would remain in Cincinnati and Haupt would then take a train to Chicago. Neubauer and I were to wait one more day and leave Jacksonville for Cincinnati, and on arriving in Cincinnati, Neubauer was to go to Chicago while I was to meet Theil at 1 p.m. on Saturday, June 20, at the restaurant of the Gibson Hotel.

(P.1560). Haupt left as arranged. I contacted nobody during the time I was in Jacksonville and there was nobody on the beach where the submarine landed us. We arrived in Cincinnati on Saturday

June 20, and it was arranged between Neubauer and myself that on July 6, 1942, I was to be registered at the Knickerbocker Hotel in Chicago as Edward J. Kelly, and at 10 a.m. on that date Neubauer would contact me by telephone and tell him where I could meet him and put me in touch with Haupt, whose Chicago address was unknown to me.

Cincinnati.

(P.1560). Upon arriving in Chicago, I met Thiel for lunch. After lunch Thiel left, and I met Neubauer. I purchased tickets for New York for Thiel and myself and we left that evening. During the time we were in Cincinnati, we did not contact any individual and our only reason for going there was to avoid taking a train straight up the East Coast. (P.1562). We arrived in New York on June 30th and went to the Commodore Hotel, where I registered under the name of Edward Kelly and Thiel under the name of William Thomas. (P.1563). That afternoon we went to Astoria to see Helmut Leinert, whom I have known for about ten years. I told Leinert that I had been to Mexico and Thiel told him he had been living in Chicago.

(P.1563). On the evening of June 23rd, I met Leinert who called my wife and made arrangements for me to meet her that same evening at the Hotel Shelton. I later met Thiel with a person whom he introduced as Toni, after which I left them and was apprehended by Special Agents of the F.B.I.

(P.1563). At the time of my apprehension, we were attempting to get located in a place we could use for a hideout as we had no specific plans at this time as to any sabotage, it being intended that we should get located and then return to get the explosives. This was in accordance with instructions we had received in Germany.

(P.1564). At the time of my landing, I intended to follow my instructions and to sabotage power lines and other facilities that might be suitable, but in the course of my stay, I came to the conclusion that our orders were made impossible to fulfill, and the means of transportation were too insecure, such as gas rationing. Prior to leaving Germany, Kappe had told me it would not be possible to get back to Germany by submarine but that I should try to get to Chile or Argentina. With the exception of Leinert and Toni no member of the group contacted any individual in the United States, to my knowledge.

(P.1564). Prior to my last trip to Germany in 1940, the German Consulate offered to pay my way, but I refused this offer because I had money. After arriving in Lisbon, I was advanced part of my passage fare and on arrival in Berlin was paid the full amount.

(P.1565). While in Germany, I was not a member of the Nazi party, nor was I a member prior to my departure for Germany, but I was a member of the German Labor Front.

DIRECT EXAMINATION RESUMED.

That Kerling made a subsequent statement in the presence of witness which was made freely and voluntarily, and signed by Kerling. That P-191 is the supplementary statement, made on June 30th, and signed on July 1, 1942.

(P.1567). Summary of supplementary statement of Kerling as to matters not contained in or in conflict with the first statement.)

(P.1567). In 1940, I obtained a German passport in New York inasmuch as my old German passport had at that time expired, which passport was used by me in returning to Germany in 1940. I had never made any attempt to obtain United States citizenship, but have always traveled on a German passport as a German citizen.

(P.1567). In June, 1938, I became member of the Nazi Party. As a party member, I wore a uniform from SS to SS when I was in Germany. In 1938 my wife joined the Nazi party and both she and I are at the present time still members of the party, although I have never held any office or rank in the Nazi party.

(P.1568). After finishing school, I became a German soldier by signing a form made out in my name which stated in effect that now I was a soldier in the German Reich and would have to live up to the duties of a soldier and maintain the secrecy of my mission. I signed this pledge, but did not take an oath to this effect.

(P.1568-1570). (Description of courses in the school and methods of making explosives).

(P.1571). Kappe spoke of setting up a radio transmitting station in the United States for the use of this group, and communicating with Germany, although this was never carried into a formative stage.

(P.1571). On landing, I gave one bag of money to Haupt instead of Neubauer.

(P.1572). In addition to the other matters stated to be on my handkerchief, there was also contained thereon, in secret writing, the name of Karl Krepper, c/o Gene Frey, RR #2, Box 407, Rahway, New Jersey, and the name and address of Walter Froehlich, 3543 North Whipple Street in Chicago, Illinois. Froehlich's name was furnished by Haupt. I understand that the name and address of Helmut Leinert in Astoria was put in secret writing on Daech's handkerchief, so that his group could get in touch with me or any member of my group. I had furnished Daech with this name and address while we were still in Germany.

(P.1572). After Theil and I arrived in New York City, I talked twice to Leinert and told him the purpose of my being here. I gave him \$50.00 because he had been sick and needed money. Through him, I also contacted Hedy Engelmann and told her I had just returned from Germany.

(P.1573). On June 23rd, in company with Leinert, I attempted to locate Krepper. I was to use the code words "Pastor Kaiser" with Krepper, but I was not able to locate him. I then attempted to locate Robert Lamm.

DIRECT EXAMINATION RESUMED.

(P.1574).

That P-174, blue canvass bag was identified by Kerling as being his own bag given to him by Lieutenant Kappe and in which Kappe had placed a certain amount of money in a secret compartment. The same is true of Exhibit P-175.

(P.1576). On June 24, 1942, Kerling, and other agents and myself went to Jacksonville arriving on June 25th. We proceeded to Punta Verda and from there south on Route 140 for a distance of about 4 miles. We then walked two or three miles along the beach until we found the spot identified by Kerling. The explosives were dug up

and identified by Kerling, being four boxes, as well as a pair of gray woolen socks, all buried by him on the night of June 17th or the morning of June 18th.

CROSS-EXAMINATION BY COLONEL ROYALL ON
BEHALF OF KERLING.

(P.1579). That witness talked to Kerling on June 24th and June 27th, and he signed the first statement on June 28th. That in information as to the second statement was obtained on June 28th, 30th, and signed on July 1st.

(P. 1580). That Kerling stated that he went into this enterprise and it was his understanding that it was to be performed in uniform in a manner similar to the Commando raids. That the impression was later changed by subsequent events while in Germany. That after Kerling originally agreed to do this, he was afraid of appearing yellow, so went ahead through of it. That he used the word sabotage during the course of the conversation and never used any other word as descriptive of it. (P.1581). That he had specific instructions not to use explosives so as to kill or injure any person and that he was the only member of his group that had matches for communicating with Lieben.

(P.1582). That defendant Kerling never at any time inferred or stated that he was other than entirely loyal to Germany and to his obligation as a German soldier and citizen.

REDIRECT EXAMINATION.

(P.1583). That Kerling had made plans to see Mrs. Kerling, but they were never carried out because of his arrest. That he contacted Hedwig Engemann whom he told that he had returned from Germany on a mission for the German government. That he wanted to locate a farm so as to have a hide-out and an address with which to furnish Kappe. (P.1585). That the other members of the group signed some sort of paper, but that Kerling did not know whether it was a similar pledge (military) or whether it pertained to the reimbursement they were to receive for their job.

(P.1586). Kerling stated that when they came ashore from the rubber boat, he was dressed in a pair of swimming trunks, a fatigue jacket, gray, and a campaign hat with the German insignia on it, and that they then changed to civilian clothes.

TESTIMONY OF MR. D. J. PARSONS, WITNESS FOR THE PROSECUTION,
ENCALLED.

(P.1591). That Exhibit P-192 to Exhibit P-198 are photographs taken at the scene of the recovery of the boxes and in the garage at the time the boxes were opened. That Exhibit P-200 to Exhibit P-209 are photographs of the contents and of the place where they were found. (P.1590.) That the contents of the boxes were substantially similar to those found on Long Island. (P.1592). Witness identified Exhibit P-210 as an inventory of the items recovered.

(P.1597). That one item was found which was not included in the Long Island inventory, which is a paper can that contained a mixture; that P-207 is a photograph of that can, which contained an abrasive mixture consisting of iron filings, sand and powdered glass, used in sabotaging lubrication systems.

(P.1598). That the boxes and bag and general arrangements were similar to the boxes, bag and general arrangements of the first group, on Long Island, and that the boxes were similarly marked.

TESTIMONY OF CHARLES M. STANLEY, A WITNESS FOR THE PROSECUTION
RECALLED.

PRELIMINARY EXAMINATION BY COLONEL ROYAL.

(P.1599). That witness talked to Kerling on July 1st in the presence of Agent Duke.

DIRECT EXAMINATION.

(P.1599). That witness exhibited P-38, a fatigue coat, P-39, fatigue pants, P-22, a cap, and P-38, a shovel, and Kerling stated they were similar to articles brought by him and his group into this country.

TESTIMONY OF EARL HIRSCH, SPECIAL AGENT OF THE F.B.I., A
WITNESS FOR THE PROSECUTION.

(P.1603). Witness identified Haupt and testified that he apprehended him on June 27, 1943 on Webster Street in Chicago. That he was taken to the office of the F.B.I. in Chicago and waivers identified as Exhibits 211 through 213 were signed by Haupt, in presence of witness.

(P.1607). That witness was next searched and his clothing removed whereupon he was given other clothing. The billfold identified as P-214 was found on him and contained two \$50 bills and one \$10 bill, and a social security card identified as P-215.

(P.1609). That Haupt said that the social security card was a fictitious one and was given him by Kappe while Haupt was attending the sabotage school, and was made out by Lieutenant Kappe.

(P.1610). Exhibit P-215 is a registration card found in Haupt's billfold, which was said to be a valid card, he having registered on the morning of June 22nd, 1942, in Chicago, at Board 66. That he had been given two fictitious cards by Kappe while in Germany, one of which burned, the other of which he had retained.

TESTIMONY OF E. DONNEY RICE, WITNESS FOR THE PROSECUTION,
RECALLED.

DIRECT EXAMINATION.

(P.1613) Witness took Haupt's statement in the presence of Special Agent Earl Hirsch from June 27 to June 30, and another on July 3rd. That Exhibit P-217 is Haupt's first statement dated June 28, 1943, and dated June 29, 1943, on the eighth page. That the statement was drawn after having talked with Haupt for three hours and was dictated partly by the agent and partly by Haupt, after having been talked over first with Haupt. That Haupt made corrections and initialed them, as well as initialed each page and signed it at the end.

(Summary of statement of Herbert Haupt dated June 28, 1943).

(P.1615). I was born December 21, 1919 at Stettin, Germany; in 1933 my father came to the United States and my mother brought me to the United States in 1925. They have lived here continuously since.

(P.1615). I was educated in the Chicago public schools, and

attended Lane Technical High School and Amundsen High School, but did not graduate. I derived my citizenship through my father, who is a naturalized citizen.

(P.1615). At the age of eighteen, I left school and started as an apprentice optician and worked at this trade for Simpson's Optical Company. (P.1616). In June, 1941, I became involved in some trouble with Gerta Struckman, 1753 Albion Avenue, Chicago, Illinois, who advised me that she was pregnant and wanted me to marry her, so I decided to leave this country. My mother was in the hospital and I did not want to tell her.

(P.1616). I talked with Wolfgang Vergin, 5416 South Wood Street, Chicago, Illinois, and Hugo Trusken. Our money totaled \$80.00 and we left in Vergin's car. Before we left, I had a letter written in Spanish from a Spanish girl to relatives in Nicaragua. We were supposed to locate the relatives, and they would give us a job. I had no reason for wanting to go to Mexico or Nicaragua other than I wanted to leave the country and see something of these places. On June 16, 1941, we left Chicago and drove to Nueva Laredo, Mexico, stopping off at St. Louis and Dallas, Texas, and sending several postcards along the way to Walter Froehling, my folks and to William Valles. (P.1617). At Nuevo Laredo, Mexico, Trusken left us, and Vergin and I entered Mexico and drove to Mexico City by way of Monterrey. In Mexico City we met a German by the name of Hans Sass, alias Paul Smith, alias Dr. Reichel. When our money ran out, he suggested that we go to see Von Wallenburg, as we could not go to Nicaragua without a visa and were unable to work in Mexico without certain papers. We told Von Wallenburg, an official of the German Consulate in Mexico City, that we were German boys that needed help or a job, and asked him what he could do for us. He stated that he could send us to Tokyo to work in a monastery as apparently he thought we wanted to return to Germany, and said because of the Russian War we probably could not go back. He gave us train tickets to Moncinillo and bought tickets from there to Japan, and gave us twenty pesos for food enroute. We signed a contract stipulating that we would pay back the ticket money after the war was over. On July 26, 1941, we left Mexico on the Gynio Maru and landed at Yokohama. Sass went along, as well as other Germans from South America. On landing at Yokohama, we were met by representatives of the German Consulate and taken to a hotel in Yokohama where the German passports which had been issued to us by Von Wallenburg were taken from us and the Japanese gave us a permit to stay in Japan.

(P.1618). While in Tokyo, I sent a cable gram to my parents, telling them I was all right. We went out to the monastery which was at Shingasaki, about four hours train ride from Tokyo, and found that German monks were operating a farm, but that laboring conditions were very poor. Sass went to work at the monastery, but we returned and were told by consulate employe that we could go to the mountains and live upon money which they would furnish but which we would have to return. We signed to this and went to the mountains but two days later received a telegram telling us to return to Tokyo.

(P.1619). On our return to Tokyo, we were advised by the man at the consulate that it would be necessary to sign on a German boat returning to Germany as seamen. Sass, Vergin and myself, as well as three others were taken to the Schonhorst, a liner tied up in Kobi, and trained there for two weeks without being allowed to go ashore.

(P.1619). We boarded the Hiss-Hamburger and traveled as passengers for two days until we met another German boat at sea, to which we transferred the cargo, as well as ourselves, and after 107 days arrived

in Bordeaux, France. We went around the horn of South America to get to Bordeaux. We arrived at Bordeaux the day Germany declared war on the United States. We were given passports to go to Paris, and Vergin and I were taken to Paris by a naval officer and put on a train to Saarbrücken. There our papers were examined and the next day we went to the homes of relatives in Germany, so Vergin and I separated. Vergin went to Koenigsberg in East Prussia and I went to Stettin to the home of my grandmother, where I remained for several months, during which time I was investigated by the Gestapo but could not get a working permit.

(P.1521) About three months later, a medal was sent to me from Berlin because I had run the British blockade. Shortly thereafter, I received a letter from the Kaukasus, signed by Walter Cappe, which made me an offer to come to Berlin and write a story on my trip to Germany; I accepted and met Cappe, who introduced himself as an army lieutenant and informed me that he had learned of me through Hans Sasse. I thereafter returned to Stettin. I thereafter received a telegram from Cappe telling me to come to Berlin, which I did, and he asked me if I knew that my mother's brother was in a concentration camp and my father's brother had been, to which I answered in the affirmative. He pointed out that I couldn't get a job, and the only thing left for me to do was to return to the United States, to which I agreed. He gave me some money and I returned to Stettin and about the end of April, 1942, I received another telegram to return to Berlin. I went to Berlin and discovered that my proposed trip to the United States would be in connection with assisting the German cause, possibly by acting as a courier for espionage messages or some other work. I was called in conference with seven other men by Cappe, and he told us that we were to be trained in a school to learn methods of sabotage, in order that we might go to the United States to carry out a program of sabotage there. The other men were Kerling, Neubauer, Thiel, Daesch, Svendsen, Quiren and Kaynor. We were taken to a place about 80 kilometers from Berlin where we joined Burger, a man named Scotty and another whose name was Barth. (P. 1163). We remained at this place for about a month receiving instructions in chemistry as to how to make explosives and ways of destroying vital parts of aluminum plants, railroads, canal-locks, and trains. We were to destroy the sources of power to these plants. (P.1566). At the completion of our training, we returned to Berlin where we signed contracts which stipulated the amount of money we would be paid for our services. My contract calls for 250 marks per month to be deposited to my credit in a Berlin bank. For three days we were taken on a tour of various plants, and shown how to cripple them. (P. 1535). At the time of signing my contract, I signed a pledge not to disclose what had occurred.

(This portion of the statement is dated at New York, June 29, 1942.)

(P.1533). I was also promised a job in my trade in Germany after the war was over. During the time that Cappe was with us, he occasionally wore the uniform of the German Army, but most of the time was in civilian clothes.

(P.1534). A few days after May 15th, we remained in Berlin, until we were taken to a Naval supply station, and outfitted with German marine work uniforms and army caps. This clothing was placed in sea bags along with four metal boxes crated in wood. There were four boxes for each group, which contained timing devices for use with explosives, high explosives, pieces of dynamite, etc.

(P.1534). Cappe gave each of us two United States Draft registration cards, one of which was in blank, the other to be filled in by

fictitious names we were to assume upon landing in the United States. We were also given counterfeit social security cards made out in a fictitious name, supposedly, but there seemed to have been a mistake since mine was made out in my true name, as I was to use the name of Larry Jordan. We were also told that we were to attempt to develop contacts and assistance in the United States for the purpose of generally creating terror and panic.

(P.1635). Just before leaving for Paris, each was given a money belt containing \$3,500.00 in United States currency. These belts were placed in three canvas zipper bags which had false bottoms. In the false bottoms was a sum said to be about \$70,000.00. After we got on the train, each was given about \$400.00 in bills of small denominations, as the other money was made up of \$50.00 bills. Kerling was furnished with a small bottle containing several matches to be used for secret writing. The money was to be used for our expenses and the necessary bribes or other payments necessary to carry out our sabotage program. (P.1636). I was told that I would draw \$300.00 per month as living expenses.

(P.1636). The group that left Berlin were called Pastorius, after a German who had come to the United States several hundred years ago as a pioneer. We were also considered as pioneers as we were the first group to come to the United States during this war.

(P.1636). Group No. 1 consisted of George Dasch, Burger, Kaynor, Quintas and Swendsen, whereas Group No. 2 consisted of Kerling, myself, Neubauer and Thiel.

(P.1637). We went to Paris and thence to Lorient where we changed from our civilian clothes to the marine work clothes and wore the army caps down to a submarine. Our group went first and the other group sailed the next day. None of the other group has been seen by me since we went on board the submarine.

(P.1637). We discovered that some of the money which we had was in gold certificates, and to have been used in the United States would have immediately focused attention on us. We were quite upset about this and took up the matter with Cappe.

(P.1638). We left Lorient on May 27th, and arrived on the coast of Ponte Vedra on June 17th. We dressed in swimming trunks and army caps, and placed the boxes which we had brought in the sea bags, the shovels and zipper bags in the boat, and we paddled to the beach and landed. The sailor returned to the rubber boat, and we walked along the beach and buried the boxes in the sand, taking bearings on the spot so that we could recognize it when we saw it again. We then removed our swimming trunks, put on civilian clothes, buried the shovels and army caps.

(P.1639). The reason we had worn the army caps was that the possibility of our capture had been considered, and it was felt that if we were captured wearing the army caps which were part of the German Army equipment, we would be considered German soldiers, and therefore prisoners of war and not subject to the death penalty for entering the country as Nazi spies. We changed clothes at Ponte Vedra Beach and went into Jacksonville. Thiel and I split from Kerling and Neubauer, Thiel registering as William Thomas, and I in my right name.

(P.1641). That evening, it was arranged that Neubauer would get in touch with me in Chicago through Walter Froehling, my uncle, at 3643 North Whipple Street, Chicago. The leaders and Thiel were

to meet on July 4th at the Hotel Gibson in Cincinnati. Kerling was then to meet me and I was to drive him to Florida in order to dig up the materials buried on the beach and take them to the scene of our operation. I gave them the number, Maywood, 3809, which is that of Carl Bartler, to reach me, in case I could not be reached by Walter Froehling. I have not seen Bartler since my return. Before leaving Jacksonville, Kerling gave me one of the zipper bags with the money in the false bottom. This bag was supposed to contain about \$15,000 to \$20,000.

(P.1642). The following morning I left for Chicago, and arrived there on June 19, and went to Walter Froehling's house. While I had been in Germany, Cappe had told me that Froehling had a brother in a concentration camp and for me to tell Froehling to force him to work with my group. Cappe said this was the only way his brother could get out of the concentration camp would be by having Froehling co-operate fully with us.

(P.1643). Upon arriving at Froehling's home where he called my mother, she came over. I told them the story of my experiences, as my mother at first did not believe that I had been to Germany. I convinced her, and she called my father, who came over. I repeated the story to him, and took out the bag containing the money, they knowing that this money was given to me prior to my return trip from Germany on the submarine by officials of the German government. I told Froehling to hide the zipper bag. I told Froehling that there were three other persons who landed with me in Jacksonville on this submarine, and that I was expecting a call from a friend, at his house on Sunday about 1 p.m. I went home with my parents that night, taking my belongings with the exception of the zipper bag. I left this with the Froehlings with their consent. The next night I went to the Wergin home and told them of our trip, but did not tell them I attended a sabotage school, but it was understood that I was employed in some capacity as a German agent. I also told them that if anything happened to me, Wolfgang would be picked up by the gestapo and something would happen to him.

(P.1646). My father and mother advised me to register for the draft.

(P.1647). Neubauer called me at the Froehling residence on Sunday afternoon, and I met him downtown, and returned to the Froehlings, and then went back home.

(P.1649). On June 22nd, I went to Local Draft Board No. 66 in Chicago and registered, and then went to the FBI office, telling them I had returned from Mexico and registered, and that I would rather not fight against the German people, although if I had to go, I would. The reason for going to the FBI office was that I had found in my absence that two FBI men had been inquiring about me in the draft. I then attempted to get a job.

(P.1650). On June 23rd, I bought a car in my father's name, so he would have it in case I was arrested. The down-payment for the car was taken from my money belt. (P.1651). I saw Gerta that evening, and we decided to get married. On the next day, I met Neubauer; talked with him for a short while.

(P.1654). On the night of June 25th, someone thought our car was being followed, but I did not believe so.

DIRECT EXAMINATION RESUMED.

Witness identified Exhibit P-218 as the second statement of

Haupt, dated July 3rd, 1942. That Haupt read it, made corrections, initialed each page and signed the statement.

(Summary of second statement of Haupt, as to matters which are in addition to or are in conflict with the first statement.)

(P.1666).

Having been shown photographs of four men, identified Walter Cappe. I talked with William Wernecke about registering. He advised me how to fake a bad physical condition. I went to see a doctor and got some medicine. (P.1661). I obtained some nitroglycerin pills, and had a cardiograph taken to show physical defects.

(P.1663). Of the money I brought to America, I gave \$10.00 to Gerta Struckmann, \$50.00 to the Vergins who knew I had brought the money from Germany on the submarine, and that I was to act as a German agent. I gave the money belt to Mrs. Froehling, who returned it to me later. (P. 1665). I subsequently threw the money belt in the trash, removing the money, and placed it in a brown envelope, and hid it under the rug in my parents' bedroom. (P.1668). The Froehlings also knew I was up to no good. I told my father that my job over here was to handle production.

DIRECT EXAMINATION CONTINUED.

That Haupt identified exhibit P-219 as a coat which he had taken with him to Germany and brought back to America. That P-220 is the maroon bathing trunk that Haupt had taken from the United States to Germany, and then wore when he left the submarine.

(P. 1672). That witness had found a zipper bag in the home of the Froehlings, which he turned over to J. A. Lynch. (P.1673). That Haupt said that he and Werling also buried four German military caps that they had brought over from Germany near the explosives.

CROSS-EXAMINATION BY COLONEL ROYALL.

(P.1674). That Haupt is the youngest of the eight prisoners. That Haupt's reason for leaving Chicago originally was trouble with a girl, and he was scheduled to register for the draft on July 1st. He left on June 16th. That when he left he intended to go to Mexico and Nicaragua. (P.1675). That Haupt's parents did not know until he returned that he had been to Germany.

(P.1677). That Haupt's citizenship was not quite established, due to the fact that he believed he was an American citizen because of derivation from his father, who was a naturalized citizen, and that he had never made any affirmative act or sworn allegiance to this country, and that it was therefore possible that he was a German citizen and there was some question in the minds of the German officials as to whether he was a German citizen. (P.1678). That Burger had said that Haupt was personally interested in the monetary angle of the matter, and that he would do anything for money, and that his first undertaking on arriving here was to go to an optical company, where he had worked, and explore the possibilities of sabotaging that place.

(P.1679). That Vergin would get in trouble if Haupt reported the matter upon his arrival here. Froehling's name was brought up by Cappe, who knew his address and name. That Haupt used his own name when he landed in Jacksonville.

(P. 1679). That it was proposed to use the name of Larry Jordan, but he thought he could arrange to use his own name and in that way tell his own story of having returned from Mexico and not excite suspicion. (P. 1680). That he was given his selective service registration card in the name of Jordan, but was given a social security card under his correct name. That Haupt said he had registered under his own name in Jacksonville.

(P. 1681). That Haupt said that he intended to expose the plans. That when asked how he thought he came to be arrested, he said he thought that Burger had possibly turned the others in. That he knew of Burger's experience in the concentration camp, and he gathered that Burger wasn't entirely in accord with the mission.

(P. 1682). That Haupt said it was his intention to turn the group in on the 4th of July at Cincinnati and that he knew he was being followed before he was arrested, he being afraid that the money he had on him had become known, and that he might be held up.

REDIRECT EXAMINATION.

(P. 1683). That Haupt was instructed to go to Froehling and make arrangements to use him as a mail drop. That he said he was going to turn the group in on June 27th. That he was arrested at 9 in the morning and made this statement between 4:30 and 5:30. That the statement was volunteered and that he had not discussed the exposure with any other member.

(P. 1684). Haupt thought he was being followed the night before he was arrested. (P. 1685). Haupt said he had previously arranged with Kerling to obtain an automobile, to meet in Chicago, and from there go to Florida to dig up the explosives. That a girl who they were to take with them was going to take the explosives in her baggage on a train to New York. That they were to go to Florida shortly after July 6th. That after taking the explosives to New York, we were to carry out our program of sabotage. That Neubauer knew of the meeting on July 6th at the Knickerbocker Hotel. (P. 1686). That Phiel was to come to the meeting on July 4th and also the one on July 6th. (P. 1687). That Haupt did not say that he was assigned a German Army number, although he understood his status was similar to that of a soldier.

RECROSS EXAMINATION BY COLONEL ROYALL.

(P. 1687). That the incident of the use of the automobile was omitted from the statement through inadvertence.

TESTIMONY OF JOHN A. LYNCH, SPECIAL AGENT OF THE F.B.I., CHICAGO OFFICE, A WITNESS FOR THE PROSECUTION.

DIRECT EXAMINATION.

(P. 1691). That Exhibit P-321 is a bag turned over to witness by Rice which contained \$9,950.00 in fifty-dollar bills in a false bottom.

TESTIMONY OF WILLARD E. SHAFER, SPECIAL AGENT OF THE F.B.I., CHICAGO OFFICE, A WITNESS FOR THE PROSECUTION.

DIRECT EXAMINATION.

(P. 1693). That on June 27, 1942, witness went to the home of Mr. and Mrs. Hans Haupt, 2234 North Fremont Avenue, Chicago, Illinois, searched the house and found \$2,550.00 in fifty-dollar bills, a blank certificate of registration for the Selective Service, a brown envelope

under the rug in the bedroom of Mrs. Haupt. That Mr. and Mrs. Haupt executed a waiver of search, and witness looked around and found the envelope.

TESTIMONY OF FRANK F. MEECH, SPECIAL AGENT OF THE F.B.I.,
CHICAGO OFFICE, A WITNESS FOR THE PROSECUTION.

DIRECT EXAMINATION.

(P.1697). That on July 2nd, 1943, witness went to the house of Carl Eggert at 3438 North Seeley Street, Chicago, and searched the house and found \$900.00 in fifty-dollar bills, located in a cabinet in the dining room.

CROSS-EXAMINATION BY COLONEL ROYALL.

(P.1698). The money was found in one place.

TESTIMONY OF CHARLES H. STANLEY, WITNESS FOR THE
PROSECUTION RECALLED.

DIRECT EXAMINATION.

(P.1700). Witness showed P-24, the duffel bag, P-22, the Marine cap, P-39, pants, P-32, coat, to Haupt, who said they were similar to articles issued to him in his group in Germany and worn to America and were left on the submarine when they landed in Florida.

TESTIMONY OF L. O. PRICE, SPECIAL AGENT OF THE F.B.I., OF
MIAMI, FLORIDA, A WITNESS FOR THE PROSECUTION.

DIRECT EXAMINATION.

(P.1702). That witness went approximately four miles south of Jacksonville, Florida and dug in the same on June 25th, and uncovered Exhibits P-222 and P-223, shovels, approximately 30 feet north of the point where the explosives were found. Witness identified P-224, P-225, P-226 and P-227 as four German marine caps found in the same hole as the shovels. (P.1703).

TESTIMONY OF THOMAS J. DOWDAN, SPECIAL AGENT OF THE F.B.I.,
A WITNESS FOR THE PROSECUTION, RECALLED.

DIRECT EXAMINATION.

(P.1704). That witness never struck Kerling.

CROSS-EXAMINATION BY COLONEL ROYALL.

(P.1705). That an agent came into his office and told him that Kerling stated that somebody brushed his face. That witness told agent to have Kerling brought in, and witness told Kerling that was a lie and asked him what it was based on. That Kerling never talked with Kerling alone at any time. That witness is the same person who talked with Dasch about Presidential clemency.

TESTIMONY OF W. WILLIS FISHER, A WITNESS FOR THE PROSECUTION,
RECALLED.

DIRECT EXAMINATION.

(P.1706). Witness identified Neubauer and stated that he was taken into custody on June 27, 1943 at 7:45 p.m. in the Sheridan Plaza Hotel, Chicago, Illinois, by witness, and Agents Dixon and Hirsh.

That he was immediately taken to the P.B.I. office at Chicago, and searched. That a wallet containing \$331.88 was found upon him, made up in part of four \$50.00 bills. That P-228. That P-229, P-230, and P-231 are waivers signed in witness's presence by Neubauer.

(P.1712). That the wallet contained a selective service registration card, dated October 16, 1940, and a social security card identified as P-232 and P-233. (P.1713). That the registration certificate has Henry Nicholas on it. That Neubauer stated he signed this particular registration certificate in that name, that it was filled out by Dasch, was given to him in Kappe's office in Berlin.

(P.1714). That the Social Security card was also fraudulent and given to him in Lieutenant Kappe's office in Berlin, and brought over to be used in connection with sabotage activities. That P-234 is a brown zipper bag found in the room of Neubauer at the time of his arrest; that a slicker, bathing trunks, and towel, pair of shoes, were identified by witness as having been brought from the submarine.

TESTIMONY OF ELMER F. ENGLISH, SPECIAL AGENT OF THE F.B.I. OF THE
NEW YORK OFFICE, A WITNESS FOR THE PROSECUTION.

DIRECT EXAMINATION.

(P.1717). That witness was present when Neubauer was apprehended, as were Agents Fisher and Hirsh. That statement was taken by first questioning, and thereafter dictation to a stenographer in Neubauer's presence. Neubauer read over and initialed each page and signed the last page. The first statement taken June 28th, was taken in the Chicago office, on Saturday night, and Sunday. That P-235 is that statement and was read by Neubauer before signing, he having made a correction therein.

(Summary of statement of Neubauer).

(P.1720). I was born February 5, 1910 at Hamburg, Germany, where I attended public schools and served apprenticeship as a cook. That while employed on the SS Hamburg, I made trips to the port of New York and in June or July of 1931, I jumped ship in New York, and took employment on the S. S. Leviathan and made several trips between Southampton. Around Christmas of 1931, I was laid off, and later obtained work. (P.1721). In 1932, I filed my first papers for United States citizenship, and made several voyages from San Francisco to Australia on the SS Monterey, and made several other trips from America to Hawaii and South America.

(P.1723). In October, 1939, with Edward Kerling, Joseph Hussbaum, Ernest Metting and Richard Ernest Heinke, I purchased a yacht to return to Germany. We were unable to do so and I left it in Miami. I was married in Miami on January 10, 1940, to Alma Wolf, 319 West North Avenue, Chicago, Illinois. In April, 1940, we left Miami and went to New York City. In July, 1940, we went to Lisbon, thence to Rome and to Hamburg. I stayed with my parents. In November, 1940, I was drafted as a private in the Germany Army, where I stayed until May, 1941. During April, 1941, my wife came to Germany. (P.1725). In March, 1942, I was contacted by an officer of the Germany Army who asked me about my knowledge of the United States. Several days later I was given a ticket to go to a school near Brandenburg, in civilian clothing. I received no information as to the type of school that was being run there, or the purpose of the training.

(P.1726). I reported to the school in the middle of April and

learned that Kerling was a member of the school. He and I were grouped with Haupt and Thiel and received instruction together. We were instructed in explosives and acts of sabotage, although we were instructed never to wreck passenger trains and to never kill anyone.

(P.1727). I recognized Burger, Heink, Quirin and ~~Haupt~~ as members of the second group.

(P.1727). After school we went to Berlin, thence to Paris, to the coast of France. While on the train from Paris, each was given a money belt. They told us it contained \$4000.00, but was \$300.00 short. We were also given \$400.00 in bills of small denominations.

(P.1728). The submarine left and we landed at Atlantic Beach three weeks later; On June 17, 1942; and were rowed ashore in a rubber boat by one of the crew. All of us being dressed in bathing suits only and wearing German caps with the Nazi swastika emblem in front, and carrying our civilian clothes in a bundle under our arms. We also brought ashore four wooden boxes containing explosives, which we buried in the sand. The caps were taken by Kerling and disposed of by him. The clothes that I brought with me on the submarine were clothes I had purchased in Chicago, taken to Germany, and brought back.

(P.1729). We went into Jacksonville where Haupt and Thieling left us. I arranged to meet Haupt in Chicago on June 21st. On June 19th, we left Jacksonville and went by train to Cincinnati, arriving there on June 20th. Kerling and I parted company there and arranged to meet again on July 8th at the Knickerbocker hotel in Chicago. I left Cincinnati on June 20th, arriving in Chicago the next day, and went to the LeBelle Hotel. That day I met Haupt and made arrangements to meet on June 28th.

(P.1730). On June 22nd or 23rd, I visited Harry Jaques and his wife, Emma, at 221 West North Avenue, Chicago, Illinois, and informed them I had just arrived from Germany; that I had in my possession \$3600.00 and wanted them to keep it for me. Jaques agreed to keep the money, and I turned it over to him. That although they got the impression I got the money from Germany, I did not so tell them, as they said they were not interested in knowing the facts.

(P.1732). I again visited the Jaques on June 26th.

(P.1733). Since my arrival in the United States, I have contacted only two persons other than the men who came over with me, and they are Harry and Emma Jaques.

(P.1733). During the time I was previously in Chicago, I was a member of the German-American Bund in 1935 and 1936, when I was forced to resign due to the fact that I was not a citizen. I thereupon became a member of the Deutsches Volkbund in Chicago, and remained in this organization until 1939, when I left. I admit that I came to the United States with this group for the purpose of committing acts of sabotage, and might have done so if the opportunity arose, but in discussing the matter with Herbert Haupt while in Chicago, both of us talked about and felt we would not have a chance to commit any sabotage.

DIRECT EXAMINATION CONTINUED.

(P.1735). Witness identified P-236 as the second statement of Neubauer dated June 30, 1942, taken partially on June 29th and partially on June 30th, and signed on June 30th, on each page and at the end.

in the presence of witness, making corrections before he signed it, and initialing corrections.

(Summary of second statement of Neubauer as to matters not included in, or in conflict with his first statement).

(P.1735). During March, 1942, I received a letter from Cappe, asking if I would go on an assignment to a country where I had been for some time. I accepted this assignment. (P.1736). At the apartment in Berlin, I met men identified by photographs to be Pete, Dick, Heinrich and George, being Burger, Quirin, Heinck and Dasch. A man named Scotty was also present.

(P.1737). We were taught how to mix and use secret writing. (P.1739). Beginning on May 12, 1942, we spent three days in visiting industrial plants, learning how to sabotage them.

(P.1741). On returning to Berlin, I signed two papers, one being an agreement to pay me 200 marks per month for the period I was away from Germany on this assignment. It was also agreed that the government would pay my wife 235 marks per month, which she was receiving at the present time due to my being a member of the army. If I do not return to Germany, my wife will receive 170 marks per month until her death or remarriage. The other paper was in the nature of a pledge of secrecy. (P.1742). We were required to take no other pledge to the German Government. (P.1743). When I left New York in July, 1940, I was given \$50.00 by the German Consulate in New York, and traveled on a German passport. I did not have a re-entry permit as I had no intention at that time to return to the United States. My fare from Portugal to Rome was paid by the German Government, upon my agreement to repay. My fare was paid for the same way from Rome to Germany. (P.1743). I became a member of the Nazi party at Chicago during 1937.

DIRECT EXAMINATION CONTINUED.

(P.1743). That Exhibit P-237 was a third statement of Neubauer signed by him under the same circumstances as the other two statements.

(Summary of third statement of Neubauer, as to matters not included in or in conflict or contradictory to the first two statements.)

(P.1747). Jacques definitely had the impression that I was engaged or to be engaged in sabotage work. I showed him my false registration card and told him I was going under the name of Henry Nicholas and was living at the LaSalle Hotel. I told them that Maria Kerling's husband, Edward Kerling, had come over with me, and that I would see him soon. I did not tell them where he was. (P.1748). I told them that I had received a money belt from the German government which was supposed to contain \$4000.00 and gave them the money belt and money.

DIRECT EXAMINATION RESUMED.

(P.1750). That Neubauer stated that he got his uniform just before he got on the submarine.

(P.1750). That Neubauer discussed plans with Haupt on June 21st. That witness went to the Jacques' house at 221 West North Avenue, talked to Mrs. Jacques, who first denied that she had the money, and finally said that she did. That he found \$3,600 in an envelope hidden in a five gallon coffee can in the pantry off the kitchen. That Mrs. Jacques

pulled it out of the can. That Mr. Jaques was not present. That the money was 73 \$50 bills.

CROSS-EXAMINATION BY COLONEL ROYALL.

That the statements were taken in the presence of W. W. Fisher and in part in the presence of Earl Birch.

(P.1751). That when witness first saw Neubauer, he saw that he had sustained wounds, and that he was extremely nervous; and that he has a wound alongside his right ear and one on his leg, which are proclaimed by Neubauer to have been suffered by him in the Russian campaign. That he had been confined to a military hospital.

(P.1753). That when Neubauer went to the school, he did not know what type of work he was to do. He later found that it was to be sabotage in America. That Neubauer said he was instructed not to endanger human life; that during the course at school, Neubauer said he suffered from nervousness and did so on his trip, and after his arrival here.

TESTIMONY OF CHARLES E. STABLEY, A WITNESS
FOR THE PROSECUTION, RECALLED.

DIRECT EXAMINATION.

(P.1756). Witness identified Neubauer and testified that he had shown him cap marked Exhibit P-32 and duffel bag, P-24, and P-32, pants, and P-39, coat, and that these articles had been identified by Neubauer as being similar to those brought by his group from Germany to America in the submarine, which were left on the submarine at the time they landed in Florida on June 17th.

TESTIMONY OF H. G. FOSTER, A WITNESS FOR
THE PROSECUTION, RECALLED.

DIRECT EXAMINATION.

(P. 1759). That witness apprehended Werner Thiel in company with T. J. Donagan and Spencer J. Brayton, Agent Harich, Agents Lannan, Fisher and Rice, on the night of June 23rd, 1942, between 11:30 and 11:50 p.m., just a few feet west of the entrance to the Commodore Hotel, on 42nd Street, New York City. That he was taken to the office of the F.B.I. in New York, and executed waivers. (P.1760). That P-241 is a wallet taken from Werner Thiel containing a social security card and which was identified as P-243, registration certificate identified as P-242.

(P.1761). That Thiel stated that he wrote "William Thomas" on the registration card. That there was \$554.00 in his clothes, a part of which was in the wallet, being one fifty, some twenties, some tens and some ones. (P.1763). That exhibit P-244 was a room receipt at the Commodore Hotel, found in Thiel's wallet, and signed "William Thomas".

TESTIMONY OF JOHN J. GLEASON, JR., SPECIAL
AGENT OF THE F.B.I., NEW YORK CITY,
A WITNESS FOR THE PROSECUTION.

DIRECT EXAMINATION.

(P.1765). That P-245 is a signed statement of Thiel taken by witness and Agent McKinney on June 25, 1942. Witness identified Thiel. That Thiel was questioned from 8 o'clock in the morning until noon on June 24th, and from 5:30 o'clock until 9 o'clock, and then the following

morning until 12:30 from 10, and at 2:30 we started taking the statement and concluded at 3:30. That Thiel signed each page of the statement, and the end thereof, having read it and made corrections, and initialed the same.

PRELIMINARY EXAMINATION BY COLONEL
ROYALL.

(P. 1767). That witness was not present at the apprehension of Thiel. He began questioning him at 9 a.m. on June 24th. That witness did not know who had him in custody from midnight on, and never saw Donegan with him. That agents Drayton, Rice and Stanley delivered Thiel to him and that Thiel said that the treatment afforded him was satisfactory except for the gentleman with a gray streak in the front of his hair who questioned him, swore at him and scolded him. That he did not say that Mr. Donegan struck him, and told the doctor in his presence that he had not been struck.

PRELIMINARY EXAMINATION BY COLONEL
ROYALL OF AGENT RICE.

(P. 1769). That witness was present when Thiel was apprehended as were Donegan, Drayton, Foster, Fisher and Lannen. That Thiel was apprehended at about 11:30. That starting about 1:30 in the morning witness was with Thiel until shortly after 9 in the morning. That during that time, Thiel did not complain of any treatment given him by Donegan. That the doctor asked Thiel if he had any complaints, and Thiel said "No". (P. 1773). That after Thiel was arrested, witness next saw him in a car with Donegan. (P. 1773). That from 1:30 until 9 o'clock, Thiel did not sleep at all. That during that period, witness was talking to him. There were three agents talking to Thiel.

(Summary of statement of defendant Thiel dated June 25th, 1943).

(P. 1774). I was born on March 25th, 1909 at Essen, Germany, educated in the public schools at Dortmund, Germany for eight years. (P. 1775). I then commenced an apprenticeship as a machinist which was completed in April, 1925. During this period, I attended the Gewerber (commercial) school at Dortmund in the year 1922, and in 1923 to 1925 completed the equivalent of a high school education at Westphalen High School.

(P. 1776). From the fall of 1925 to April, 1927, I was unable to find work and remained at home and was supported by my parents.

(P. 1776). I arrived in the United States in April, 1927, in New York, traveling on the SS Cleveland of the Hamburg-American Line. I thereupon went to Detroit and worked for the Ford Motor Company until 1929. I worked for several different companies, but in the fall, November, 1929, I was laid off, and remained unemployed until April, 1930, from which date I worked at odd jobs until October, 1930, when I went to New York. (P. 1777). In June, 1934, I went to Hammond, Indiana and obtained work, and then returned to Jersey City in June, 1935.

(P. 1778). In the spring of 1936, I went to Los Angeles and returned to Hammond, Indiana in May of that year.

(P. 1779). In December, 1936, I went to Fort Myers, Florida and in May, 1937, I returned to New York. I went to Philadelphia and returned to New York in that same year. In January, 1938, I went to work for the Matich Car Works, Brooklyn, New York and worked there until March, 1941, when I returned to Germany by way of San Francisco, Tokyo, and Moscow at the expense of the German Consul in New York.

(1780). I am a member of the Nazi Socialist Party in Germany. Before 1937, I was not affiliated with this party, but in 1933 while in New York, I became interested in the rise of national socialism in Germany. I joined the "Friends of New Germany" in October, 1933, and attended a few weekly meetings, but did not have a uniform. (P.1780). When I went to Hammond, Indiana, in 1934, I and others formed a local group of this society and I became assistant leader. In 1935 I left the Bund, after having had an argument, but shortly thereafter I again became a member.

(1781). I have had no connection with the Bund since 1935, as I did not think it right that I, as a German citizen, should mix in American politics, although I attended one rally in Madison Square Garden in 1938.

(P.1781). In 1938, while in New York, I applied for party membership in a Nazi party through the German Consul's office in New York City, and early the next year became a member, paying monthly dues, and was listed as a member of the Ausland Group. We did not have a local group or activity in New York. Upon my return to Germany in 1941, I was transferred from the Ausland Group to the Berlin local group, of which I continued to be a member. (P.1781). I always had a desire to return home to see my family, and in October, 1940, having learned that the German Consulate would pay my way, I filed an application for tickets. In March, 1941, I was supplied with tickets, and left San Francisco on March 27, 1941 aboard the "Tatuta Maru". Upon my arrival in Detroit in 1937, I applied for my declaration of intention, which was subsequently issued, but did not complete my naturalization proceedings because I could not decide whether I intended to remain in this country or go back to Germany. When I went to Germany in 1941, I intended to go to visit my family and to aid Germany in its war effort, with a possibility of returning to this country at the end of the war.

(P.1782). On the trip over, I went by way of Tokyo, Harbin, Manchuria, Manchule, Moscow, Mankilica, thence to Berlin, arriving there around the middle of May, 1941. I then went to Dortmund to visit my parents and remained there until the middle of July.

(P.1783). I returned to Berlin and went to work in July, 1941, and was transferred to a local group of the party. After this, I attended only one meeting, but continued to pay my dues.

(P.1784). In the middle of March, 1943, I attended a social meeting of the Ausland Group and met Walter Kappe whom I had met in Chicago in 1934. At that time, Kappe was in Chicago as a representative speaker of the New York City society of the Friends of New Germany. I approached Kappe and talked to him about the United States and old times. I also met Dasch at this meeting, and renewed my acquaintance with him, having met him on the Tatuta Maru in 1941. Dasch and I made arrangements to meet a week later. (P.1785). I met Dasch as arranged, and he asked if I would like to go back to the United States. I asked him why, and he would give no other reason other than it might be for the good of the Fatherland. Around the end of March, I received a letter from him, requested me to see him at 6 Ranke Street. I went there and met Dasch and Kappe, and talked about how nice it would be for those who knew the United States to go back and do something for the Fatherland and I agreed to this. I asked what this was all about, but Kappe didn't tell me, other than I would have to go some place and take a special course.

(P.1785). On Wednesday after Easter, I went to Berlin and reported at 6 Ranke Street where I met Kappe, Barth and a few others, who later turned out to be my colleagues at school. From there, we went to the farm. (P.1786). For the first part of the school, we met or became

acquainted and engaged in social activities. The students were George Dasch, Quintas, Heinck, Svenson, Scotty, Zuber, Haupt, Neubauer, Kerling, Burger and myself. We were placed in two groups, one under Dasch, including Quintas, Heinck, Burger, Svenson and Scotty, the other under Kerling, being Haupt, Neubauer, Zuber and myself.

(P.1787). We received instructions in making explosives, incendiaries, detonators, etc., and were given practical problems in what to do. We also discussed the use of secret writings and their formulas.

(P.1788). The school ended around April 29th. During the time of the school, we were instructed to make out a story for use in America in case we were asked to identify ourselves. My story was that I was born in Chicago, raised in Switzerland, went to school there, came back to the United States in 1927, where I remained. After school (P.1788), we reported to Berlin on May 12th, and visited railroad plants and other industrial plants.

(P.1789). While in Berlin, we were all given draft board and social security cards, having our fictitious names thereon, mine being William Thomas. We also signed a contract containing a pledge that we would do our best for the fatherland. Mine also contained a clause that I would receive 300 marks a month while in Germany, 50 of which were to be sent to my parents, and the rest to be placed to my name in a Berlin bank. (P.1790). We left Berlin on May 22nd, taking with us four boxes of explosives, arrived in Paris on May 23rd. On May 25th we went to Lorient where the two groups separated. It was my understanding that my group was going to the coast of Florida, and Dasch's group was going somewhere on Long Island.

(P.1791). While I was at the hotel, Kappe gave me a money belt containing \$4800.00, and \$500.00 cash in pocket money. He gave each of the others similar money belts, except Kerling, who received a considerable amount more.

(P.1791). We boarded a submarine on May 26, and arrived at a point on the Florida coast between St. Augustine and Jacksonville on June 16th. We were put ashore in a rubber boat, accompanied by a sailor from the submarine, along with the four boxes of explosives and our personal belongings. On reaching shore, we went inland, buried the boxes. I left the matter of identifying the spot to Kerling. After burying the material, we went up the beach and discovered we were at Jacksonville Beach, and went on in to Jacksonville. There Haupt and I went to the Mayflower Hotel and the next morning Haupt left for Chicago, and I caught a train for Cincinnati where I was to meet Kerling.

(P.1792). While in Jacksonville, I did not contact anyone, and no one of no one being contacted by the other members of the group. I arrived in Cincinnati on the following morning and met Kerling around noon the next day. He agreed to go to New York, and meet, which we did; at that time, Neubauer was with Kerling. Kerling and I arrived in New York at 8 o'clock, a.m. the day after leaving Cincinnati. We registered at the Hotel Commodore. On June 22nd, I visited Anthony Cramer, of 171 East 83rd Street, New York City, but did not see him. I left a note, however, and we met later that night, but did not tell him where I had been. I met Cramer again the next night and gave him my money belt. We were to meet again a few nights later, but I was picked up in the interim.

(P.1794). During the school, instructions were not given for returning to Germany nor as to means of communication with Germany

or German submarines. Both groups were known as the Pastorius Group.

DIRECT EXAMINATION RESUMED.

(P.1795). Witness identified Exhibit P-246 as a second statement of Thiel's, dated July 8, 1942, signed by Thiel and taken under the same circumstances as the first.

(Summary of second statement of Thiel, as to matters not included in or in conflict with first statement).

(P.1797). At no time did Kappe or Barth tell us to sabotage any particular war plants with the exception of three aluminum factories in the East. We were also to cripple the Newark railroad yards, the Hell Gate Bridge, New York City. We were not given instructions to damage other types of war industries.

(P.1797). On June 22nd, Kerling and I went to Astoria to see Helmut Leiner, whom I had previously known in Yorkville in 1940. He was also a party member. Leiner and Kerling talked about Mrs. Kerling.

(P.1800). We landed in Florida and I gave an army cap I was wearing to Haupt. We later buried this cap with a shovel.

(P.1800). In addition to those already mentioned, at the school, there were Dr. Mueller, Anshenberg, and Marchefsky and a fourth person whose name was unknown.

(P.1802). We were taught secret writing, for the purpose of writing between us members after arriving in the United States. I was never instructed to communicate in any way with Germany. I do recall that there might be an address to write to in Portugal.

(P.1802). Upon arrival in the United States, I was instructed to keep in touch with Kerling, although I do not know Reverend Krepper and was never instructed to get in touch with him. I have heard Kerling refer to an acquaintance as "Reverend" somewhere in New Jersey.

DIRECT EXAMINATION RESUMED.

(P.1804). That Thiel had identified P-247 as a photograph of boxes brought over on a submarine by himself, Kerling, Haupt and Neubauer on June 17th. That Exhibit P-248 to P-255 are photographs of the explosives, detonators, etc., in the four boxes, which were identified by Thiel as being similar to items brought over by him and shown to him in Germany. That P-254 is a cap similar to the one which Thiel wore from the submarine to the South Beach shore of Jacksonville, Florida, and buried by Haupt near the four cases of explosives.

CROSS-EXAMINATION BY COLONEL ROYAL.

(P.1807). That Thiel had the equivalent of a high school education and had been in America from April, 1927 to March, 1941.

(P.1806). That all of Thiel's family connections were in Germany except the Neumanns in Detroit. That he had one brother killed during the war and another badly wounded. That the school was brought to his

attention in March, 1942.

(P.1809). That he left the details of the burying of the boxes to Kerling. (P.1809). Thiel said it was a difficult thing for him to decide whether he would carry out the plan, but he thought that that there were some things he would do, although he did not want to kill anybody. He also said he supposed as time went on he would probably do some of those things.

TESTIMONY OF CHARLES E. STANLEY, A WITNESS
FOR THE PROSECUTION, RECALLED.

(P.1811). ~~Exhibit~~

That Exhibit P-23, a cap, P-32, a coat, P-39, pants, were exhibited to Thiel, who stated that they were similar to the uniform worn by him on the submarine, obtained in Berlin, and left on the submarine at the time of landing in Florida. That P-28 and P-29 are shovels similar to the ones used in burying the explosives in Florida on June 17, and were brought to the submarine.

TESTIMONY OF JOHN G. WILLIS, SPECIAL
AGENT, F.B.I., NEW YORK OFFICE, A WITNESS
FOR THE PROSECUTION.

(P.1813). On June 29, 1942, witness went to the 86th Street branch of the Corn Exchange National Bank, having authority from Anthony Cramer to open a box at that bank. That the box was opened and 70 fifty dollar bills were found. That Cramer said the bills in the box were the property of Werner Thiel, and given to him by Thiel.

TESTIMONY OF SPENCER J. BRAYTON, A
WITNESS FOR THE PROSECUTION, RECALLED
FOR CROSS-EXAMINATION BY COLONEL
ROYALL.

(P.1818). Cross-examination by Colonel Royall.

That witness was present during a portion of the time when Kerling was being interrogated by the F.B.I., and was present part of the time when Donagan was also present. That Donagan did not strike, push or otherwise contact forcibly Kerling, nor did witness see Donagan take Kerling by the hair.

TESTIMONY OF EARL HIRSH, A WITNESS
FOR THE PROSECUTION RECALLED FOR
CROSS-EXAMINATION.

Cross-Examination

(P.1850). Questions by Colonel Royall.

(P.1850). That witness was present during a part of the time Haupt was being questioned; practically all of the time with the exception of a few moments here and there. Haupt in the course of his conversation stated he did not leave his home in Chicago with the intention of going to Germany, but left to go to Mexico and Nicaragua. That he ran out of funds in Mexico City, ran across an individual named Hans Saxe, who introduced him to the German Consul in Mexico City, and arranged to transport Haupt to Japan. Haupt signed a contract to repay the money.

(P.1851). That at the time the boat arrived in Yokohama, Japan, he was met by persons from the German and Japanese consulate offices, or the Gestapo; that he was practically taken into custody, although

a good part of the time he had freedom of motion. That he later received a telegram requesting that he return to Tokyo, and did so.

(P.1852). When he got to Germany, he wanted to return to the United States, and this was the only means that he would be able to afford to get back. That he said he accepted the proposition for he said it was the only means of returning to the United States. That he thought going to the school was the only means he had of going to the United States.

(P.1853). That he stated he was unable to obtain work in Germany, and he was occasionally annoyed by the Gestapo.

TESTIMONY OF DUANE L. TRAYNOR, WITNESS FOR THE PROSECUTION
RECALLED FOR CROSS-EXAMINATION.

CROSS-EXAMINATION BY COLONEL RISTINE:

(P.1853). Witness was the one at F.B.I. Headquarters with whom Dasch first communicated in Washington. The communication was by telephone, and Dasch stated he would like to come earlier than the witness had suggested. Witness told him an agent would come and pick him up, and bring him to headquarters.

(P.1854). That this was the first indication witness had of the location of any of the group now being tried. Witness had received no word from New York to the effect that Dasch would come to Washington. That during the time witness was talking to Dasch, Dasch expressed a desire to see Mr. Hoover. That witness told him that Mr. Hoover was not available to see, but might possibly see him while he was in Washington, although he could not be assured of that.

(P.1855). Dasch stated he had a mission in coming here, which was to fight Hitler and his Nazi crew; that he could not fight it in Germany, and had to find a way to get out; that he was coming and furnishing this information as a means towards gaining that end. He expressed a desire to fight Hitler in his own way by propaganda. That he stated he wanted to give his story his own way, and that was the only way he wanted to tell it. He was afforded that privilege.

(P.1856). He at first refused to give concrete facts that the Department was interested in, and that he mentioned the names of the others during the statement on the first day, but gave no information as to where they might be located until 11:30 the first night. He gave the name and location of Burger. That this information was furnished New York.

(P.1856). That Dasch first indicated he might hold back something until he got in touch with other persons.

(P.1859). That witness spent the night of June 19th with Dasch in his hotel room. That Dasch did show witness the brief case and money which he had in the room. That witness saw the notations that Dasch had made on the envelopes. That a notation was "Content, \$83,350 money from German Gov. for their proper purpose but to be used to fight them Nazis."

(P.1861). That the notation was written on the stationery of the Hotel Governor Clinton.

(P.1861). That Dasch showed witness two suitcases, and that witness noticed clothing hanging in the closet, although he did not examine it. That Dasch said he had brought the money from New York to Washington, and willingly and cheerfully showed these things to him.

(P.1862). That Dasch expressed pleasure at having obtained that large amount of money which he thought he would be able to use to fight Hitler. Witness told Dasch he had installed guards in order to be certain the money did not disappear and also for Dasch's protection.

(P.1863). Dasch stated he was willing to further co-operate with the F.B.I. in regard to any matter respecting defense measures. Witness discussed with Dasch other subjects as Dasch having just come from Germany, he would have information that might be of value, such as propaganda, radio communications, and so forth. That Dasch was particularly interested in having an opportunity to talk over the radio to the German people for propaganda purposes.

(P.1864). That he was willing to co-operate in tracking down people who, under the protection of American citizenship, were helping the present German government.

(P.1864). That witness pointed out he had two primary tasks; one was defensive in locating as quickly as possible anyone who was going to blow up and damage part of our war industry. After that was accomplished, the offensive objective from the standpoint of propaganda could be considered.

(P.1866). That when witness first talked with Dasch, he had the impression he was sincere and truthful. That things have since arisen that makes witness whether he was.

(P.1868). Witness told Dasch in the course of his interrogation that he believed in Dasch's sincerity and truthfulness; that he told Dasch that five others had been taken into custody, and Dasch agreed to give further testimony respecting the other two. (P.1869). Dasch stated he had furnished all the information he had previously. He had previously furnished information which would be helpful in the apprehension of the other two.

(P.1870). Dasch furnished information on Neubauer, as to his name, description and identified a picture; also furnished the name of Haupt, and that he had parents in Chicago, as well as the description of Haupt. That these two were the ones not apprehended at the time referred to.

(P.1870). That Dasch, shortly after he started his statement, expressed a desire to be thrown in the same concentration camp with the rest of them, so that they would not know he had furnished information.

(P.1873). QUESTIONS BY COLONEL ROYALL.

(P.1873). That the answers to Colonel Ristine's question involving the reason for witness's change of mind about Dasch does not involve any other defendants.

(P.1873). That one of the things that made witness doubt the truthfulness of Dasch's statement was that Dasch had told him that under no circumstances must the German Government learn of his part in these proceedings for fear they would kill his mother and father, and that later, when Dasch was in New York, he changed in mind, and thought it would be all right for the world to know about his part in these proceedings, and that his mother and relatives in Germany would have to look out for themselves. His mother knew what he was going to do,

and she had confidence in him, and told him to do the right thing. That after having found that out, witness was doubtful as to just what was the truth and how much of what Dasch had told him was the truth.

(P.1874). That on Sunday subsequent to Dasch's agreeing to enter a plea of guilty, the newspapers carried a story of the arrest and apprehension of eight spies and confessions by them. Dasch had agreed to enter a plea which he said was not true, in order to protect his father and mother.

(P.1874). That the newspaper story indicated that Dasch was picked up and arrested subsequent to the apprehension and location of some of the others, and carried the story of all eight men. That witness understands that Dasch was furnished newspapers, and that Dasch did see the stories in the newspapers about the apprehension of all eight men.

(P.1875). It was the change of Dasch's mind respecting the entering of the plea of guilty that caused witness to wonder about the correctness of his other statements.

(P.1876). That all statements contained in the 254-page statement of Dasch have not been checked but those that had been checked were found to be true.

REDIRECT EXAMINATION:

(P.1876). Dasch said he landed on Long Island on June 13th. That he first mentioned Burger's name and address at 11:30 on the night of June 19; that he mentioned the names of the other defendants several times during the days he was questioned, with more detailed data on the 20th. In the case of Werner Thiel, it was the 22nd before he furnished the true identity.

(P. 1877). That he had not told his mother what the real purpose of his trip was, but he indicated to her that he was going to South America to work on propaganda for the government, and that she did not know his part in coming over here as a saboteur and fighting the German Government from the United States.

(P.1877). Another thing which made witness doubt Dasch was the fact that he had never satisfactorily explained why he waited from June 13th to June 19th to notify the F.B.I. of the landing of these people. That had Dasch first told us of the matter on the 13th or 14th, it would have been possible to apprehend the group that was landing in Florida and to get the submarine and its crew, as well as to enable the F.B.I to put in a warning to the Navy in an effort to apprehend a submarine that was supposed to land at Cape Hatteras, about the 15th of June.

RECROSS-EXAMINATION BY COLONEL RISTINE.

(P.1878). That witness knew Dasch had called the F.B.I. on the next morning after he landed. That when Dasch came to Washington, he did not know exactly what agency he could talk to, but indicated he wanted to talk with the F.B.I., by calling them, on Sunday, June 14th. Dasch stated before calling the F.B.I. he had called Colonel Kramer in Army Intelligence, was unable to reach him, and then called the F.B.I.

(P.1879). That witness knows of nothing said by anybody that Dasch would be incarcerated for six months.

CROSS-EXAMINATION BY COLONEL ROYALL.

(P. 1880). That Dasch said Burger was waiting in New York to hear from him. That Burger was present when Dasch communicated with the F.B.I.

(P.1881). That Burger made no statement to witness relative to submarine landing on Cape Hatteras.

(At this point, the previous sentence was stricken from the record).

(P.1881). So far as witness knows, one thing in Burger's statement has been checked, and that was the story of his relationship with a girl by the name of Eva Schuetz was checked; that witness has not talked with her, but that she knows Burger.

REDIRECT EXAMINATION.

(P.1883). Dasch first came on Friday to the F.B.I. That he stated he had spent Monday in buying clothes, and that Monday night he had met Heinck and Quirin, and thereafter had gone to a waiters' club, which he had formerly been a member of. That he there talked with various people, played cards, Monday night, Tuesday and Tuesday night. That he stayed in bed part of the day Wednesday, and went shopping that afternoon. That he stayed at the hotel Wednesday night, and left for Washington some time on Thursday.

RECROSS EXAMINATION BY COLONEL BISTINE:

(P.1884). That Dasch told the F.B.I. office in New York he would be in Washington the following Thursday or Friday, and asked them to notify the Washington office of his coming. The New York office, to witness's knowledge, never notified the Washington office.

(P.1884). Dasch said on Thursday he went down to the store and got clothing which he had previously ordered and which had been altered.

(At this point, previous remarks of the Attorney General, to the effect that the defense was desirous of getting Dasch's statement in the record so that it would not be necessary to call Dasch as a witness, was stricken from the records.)

(P.1887). (At this point, the prosecution rested).

(P.1887). At this point, Colonel Royall presented a motion on behalf of Haupt, Heinck, Kerling, Neubauser, Quirin and Thiel for a finding of not guilty on charge 2. Colonel Royall further made a motion for dismissal of the other charges against the defendants named. (P.1891).

(P.1891). Colonel Royall also made a motion to dismiss the third charge on behalf of the named defendants and on behalf of Haupt.

(P.1910). Each of the foregoing motions was not sustained, by the Commission. (P.1910). (At this point moved for finding of not guilty on all charges on behalf of the defendant Dasch.)

(P.1930). At this point, Colonel Royall made a motion for a finding of not guilty on behalf of the defendant Burger on all charges.

(P.1960). Each of the foregoing motions was not sustained by the Commission.

(P.1961). At this point, Colonel Royall stated that it was his intention to present the evidence of the various defendants in the following order, namely: Haupt, Neubauer, Thiel, Kerling, Heinck, Quirin, Dasch, Burger. Colonel Ristine agrees to that order.

(P.1962). The rights of the defendant Haupt were explained to him by the President of the Commission, and the defendant Haupt, after answering that he understood his rights, took the stand and took an oath as a witness.

(Testimony of Herbert Joannes Wilhelm Godhelp Haupt, testifying in his own behalf.)

(P.1963). That witness is one of the accused; that he is 22 years of age, born at Stettin, Germany. That he came to this country with his mother, at the age of 5, living here seventeen years. That his parents are American citizens, his father being naturalized in 1930, and his mother in 1940. That from the time he arrived in this country until the present date, he has been to Germany once. That at the time he was five, until the summer of 1941 he resided in Chicago, Illinois.

(P.1964). That prior to leaving Chicago, he was an apprentice optician, at Simpson Optical Company for 2½ years, where he worked on Government orders, making camera lenses and microscopes.

(P.1965). That he left Chicago on June 16, 1941 to go to Mexico. That he was associating with a girl named Gerda Stuckmann, to whom his parents objected. That the girl's parents also objected to his going with her. That she became pregnant and he did not know what to do, so he left for Mexico.

(P.1966). That he took a letter from the Pan-American Club introducing him to someone in Nicaragua, so he could get a job on a plantation. That he went to Mexico and found he could not get to Nicaragua because he could not obtain a visa. That he sent cards to his parents from Dallas and St. Louis. That he went to Mexico City, tried to get a visa, but could not. That at the time of leaving Chicago, he had no intention of going anywhere except Nicaragua, and possibly down in South America. That he had no intention at time of going either to Japan or Germany.

(P.1967). That most of his friends knew of his plans of going to Mexico, Nicaragua and possibly South America, as well as the lieutenant who questioned me where I was going. That the boss knew, and the superintendent. That his parents also knew he was going to Mexico. That Lieutenant Page of the Ordnance Department told him he would find conditions not very good in Mexico.

(P.1968). (At this point Colonel Royall stated he intended to offer later in evidence the report of this Ordnance officer).

(P.1968). That he discussed with Mr. Egan, the owner of this plant, with Mrs. Jordan, the mother of his best friend, who is now reported missing in the Philippines, and with Miss Stuckmann.

(P.1969). That in Mexico, when he was unable to get a visa, he wrote his mother stating that if he did not get work, he would come home, which was his intention at that time. He left his clothing, other than a few articles, at home, because he did not need clothing in the tropics. That he left his watch, ring and other personal belongings also.

(P.1970). That Wolfgang Wergin went with him, also Hugo Trossken. That Trossken is in Waukegan and Wergin is in Germany.
(P.1970). That when his money was about gone, he met a fellow named Hans Sass, whom he did not know before, who introduced him to Von Wallenburg of the German Consulate. Von Wallenburg said witnesses could not get work in Mexico because he had only a tourist permit.

(P.1971). That he had been in Mexico about three weeks when he met Sass, and it was about a week later that he met Von Wallenburg. That he told Von Wallenburg that he had no money and the only thing he could do would be to return to the United States. That Von Wallenburg offered him a job in a monastery in Japan, stated that he would have to pay back for the trip, when he was working in the monastery. That prior to this, he had written to his uncle. That until this time, he had no plans to go to Japan, nor any intention of going there.

(P.1971). That he went to Japan.

(P.1971). That at the time he was talking to Von Wallenburg, nothing was said with reference to going anywhere except Japan.

(P.1972). That on arrival in Japan, his passport was taken, and a permit was issued to him, and he was taken to the hotel in Yokohama by three or four officers from the German Consulate, and Japanese police. That they then went to the German House in Tokyo, where he was given 100 yen to live on for the first week, and then taken to Shingasaki to take a look at the monastery, which turned out to be a labor camp; that the conditions were so bad, he decided he would not work there, and came back to Tokyo and so told them. He returned to Tokyo and were given 100 yen again, and went to the mountains where he stayed a few days and were called back to Tokyo, where they went to the German House, and he was told that he could not be given any more money and the only thing he could do was to become a sailor on a ship. He was not told where he was going to sail.

(P.1973). They went to Kobi and boarded the German liner Schornhorst. That there was nothing else to do, as otherwise they would have been vagrants in Japan. That he thought of going to the American Consulate, and one of the Germans there did, but was not allowed to get off the ship and came back to Japan where the German officers got him and that was the last that was heard about him.

(P.1973). That he stayed in Japan about one month, being three weeks on the Schornhorst, where he was trained as a sailor, and then put on another German liner, the Elsa-Rebinger and were taken to sea without knowing where he was going.

(P.1974). That he met another ship in the south seas where he started working. That the first he learned that the ship was going to Germany was after they passed the Gilbert Islands, approximately three weeks after they left Japan. That they sailed around Cape Horn to Bordeaux, France.

(P.1974). While in Japan, he sent a telegram to his parents telling them he was in Japan. That he had no plans at that time. That he landed in Bordeaux the day Germany declared war on the United States. That the other sailors were allowed to go on shore, but he and his friend were kept on board, and were interviewed by the Gestapo and the police. That the friend was Wolfgang Wergin who had left the United States with him. That the other boy had gotten a job from a customs official on the border of Mexico, and had gone to California.

(P.1976). The reason given for his detention on the boat at Bordeaux was because they did not know whether he was a German or American, and did not know why he came to Germany. They stayed on the boat for three days, and were then taken to Paris, where they were furnished an overcoat, shoes and cap. They went to Saarbrücken where they were asked where they wished to go. That Wergin went to East Prussia, and witness went to Stettin. That money was given to them for train fare for which they signed.

(P.1976). That witness obligated himself for the expenses from Mexico on.

(P.1976). That when he arrived at his grandmother's in Stettin, he intended to work as an optician.

(P.1977). He registered with the police in Stettin and with the Gestapo, and tried to get a working card, which he was unable to receive because was not a member of the Party and he said they didn't know whether he was American or German.

(P.1977). That he intended to stay in Germany until the war was over, and then return to the United States, because you can't get out of Germany. (P.1977). He made various attempts to get work, but was unable to do so, and I was bothered every second day by the police and the Gestapo. They sent me letters, and I went to the Gestapo four times in one week, and gave them statements as to the fillings in my teeth, where I got them, and statement about his folks, whether they were Americans or Germans.

(P.1978). That he attempted to get relief from an organization in Stettin, but could not do so because at that time he had no relatives in the war or at the front.

(P.1978). He received a letter from the editors of The Caucasus, a paper written for the soldiers at the Russian front, telling him to come to Berlin and write a story about his trip, in which he had run the British Blockade.

(P.1979). That he received two medals through the mail, both from the German government, for running the Blockade, but that he never wore them.

(P.1979). That he went to Berlin after receiving a second letter, borrowing the money to go there. That he went to No. 6 Ranke Street, where he met Walter Kappe, who asked about his trip, and had a girl write it down. That Kappe gave him 120 marks, and told him to go home.

(P.1980). That in two weeks, he received another telegram from Berlin to return; that he assumed it was in connection with the story. That no other suggestion had been made to him up to that time by Kappe or anyone else. He went to see Kappe who said that he was a Lieutenant of the Germany Army, and had an offer to make. That Kappe stated that he could not get work, that his father's brother Otto Freehling was in a concentration camp, and my father's brother had been in one. That the only way witness could amount to anything would be to go back to the United States.

(P.1981). That witness said he would go back to the United States, and had to sign a pledge not to disclose anything. He was not told the purpose for which he was to go to the United States, and did not talk with anyone else there except Kappe.

(P.1981). That he went back to Kappe a third time, taking his belongings, and there met Dasch, whom he had not known before. That they

talked about the United States, and Dasch called Kappe who said to send me home until Easter was over. That Dasch said nothing about his purpose in coming to Berlin, other than Dasch was working with Kappe.

(P.1982). That on his next trip, he met Kappe, Barthe and the other defendants who was told that he was going to a farm in Brandenburg, and that they went to the farm with Dasch. (P.1982). That on the second Kappe said that Wergin would be held in Germany in case witness had any intention to turn this thing in or double-cross them. He did not see Wergin after that. That he did not know the purpose of the school until he arrived there. That he attended the school to get back to the United States. That he intended to carry out none of the plans, and only attended because it was the only possible way to get back to his folks. He knew of no other way to get back.

(P.1983). He was at school approximately three weeks, where he was taught sabotage methods, and practiced pistol shooting once or twice. That he was told he would not take any firearms along and should not use any. That Kappe and Barthe said they were to harm no one. That they were given no instructions with reference to spying, getting information and transmitting it to Germany. That they studied secret writing for the purpose of communicating within the group. That he knew nothing about the handkerchiefs with writing on them, and had no such handkerchief. That he did not carry with him any address in Germany to communicate with, and that no one in his group was given instructions to communicate with anyone in Germany in his presence.

(P.1985). That after the school, he went to his grandmother's, and gave her a letter to send to his mother after the war was over, in case something happened to him on the U boat, or while landing in the United States, and that the letter was with reference to his purpose in coming over here.

(P.1985). That he was not much trusted by the others while in Germany. That he was not a member of the Nazi party, and had never been one.

(P.1985). That he was instructed not to go home, not to see his old friends, nor his girl friend. That these instructions were given in Germany by Kappe and on the U boat by Kerling.

(P.1985). That he had one false registration card made out by Dasch in his own name, which, taken by Kappe and another with the name of Lawrence Jordan on it, and was instructed to use that name in the United States. That he never used that name; he used his own.

(P.1986). He first used his name upon registering at the Mayflower Hotel in Jacksonville, where he registered in his own name. That he went from Jacksonville to Chicago and saw his parents and friends, as well as his former employees, and Gerta Struckmann. That while in Jacksonville, he purchased a wrist watch, and gave them his correct name, and an address in Chicago, Illinois.

(P.1987). He never intended to commit any acts of sabotage, and intended to go home about the 6th of July. That the reason for the 6th of July was that I found out from Hermann Neubauer that they were all coming to Chicago at the Knickerbocker Hotel on that date. That he did not tell anyone what he planned to do, because it would endanger him. Upon arriving in the United States, he went to Chicago alone, the others going to Cincinnati.

(P.1990). Doubt was expressed as to the possible success of the plan by the other defendants in France, only once or twice. The money they were given contained certain gold certificates, and it was pointed out to Kappe that these bills would focus attention on them, because of apprehension. That everyone was nervous.

(P.1990). After arriving in the United States, he did not discuss with anyone of the other defendants his plan to turn them in.

(P.1990) That he did discuss the fact that he was not going on with the plan with Neubauer, twice in Chicago. That Neubauer said he could never go through with it. That this was the Wednesday after landing in Chicago. That this was the Wednesday after landing in Chicago. That he never discussed with anyone else the fact that he was not going to participate and did not intend to participate in the sabotage plan.

(P.1991). That after returning to Chicago, he registered for the draft on Monday, and obtained work at the Simpson's Optical Company. That he saw Gerda Stuckmann two days after he returned to Chicago. That they discussed the point of her having had a child and the child having died, and decided to get married. He gave Miss Stuckmann \$10.00 to get a blood test.

(P.1992). He purchased an automobile after getting to Chicago, using money brought from Germany, in order to have an automobile and to take a honeymoon with Gerda.

(P.1993). That he had instructions before landing to get an automobile to drive to Florida and pick up the explosives. That these instructions came from Kappe. On the U-boat, Kerling heard of the gasoline shortage and said the idea would have to be dropped. That when he landed, Kerling was not expecting him to use any automobile in connection with the explosives. The automobile was not purchased for that purpose. That when he bought the automobile, he knew that gas rationing was in effect, in Florida, and that he had never told any F.B.I. agent that he had purchased the automobile for sabotage purposes.

(P.1994). That Kappe gave him the address of his uncle, Walter Froehling. (P.1995). That he told his mother of his whole trip, and what he was instructed to do. That he told her he had received money from the German government, but did not tell her the nature of his work.

(P.1995). That he was followed by the F.B.I. twice, once about three days before he was apprehended and secondly, the evening before he was apprehended. That he made no effort to escape Chicago or leave home.

(P.1996). That the FBI questioned him for approximately two days, and then dictated a statement which he was allowed to correct or object to. He told the F.B.I. all the facts he had told the Commission. (P.1997). He told the F.B.I. that Peter Burger beat him to turning them in. He stated he knew Burger would do it because he had been in a concentration camp and had told him about the horrors he suffered and had seen other people suffer. That he heard Burger say in Germany he hated the Gestapo more than anything on earth, and that his wife had lost a child because of the treatment of her by them.

QUESTIONS BY COLONEL DOWELL.

(P.1998). That when he left Chicago, he was working for Mr. Egan, President of the Simpson Optical Company. He told Mr. Egan he was leaving, but not the real reason therefor, although he told others. He told him he was going to Mexico and Nicaragua. (P.1998). That prior to leaving, he attempted to get a United States passport to Guatemala, because the letter which he had referred to someone in Guatemala. That he applied at the old post office in Chicago, Illinois, paying \$10.00 for the passport; but it was never received, and his mother received \$9.00 in return. That he left with Wergin and Troesken, but that Troesken left them at the border and went to California. That only one job was offered, and Troesken took it. (P.1999). That upon arriving in Mexico, he tried to obtain employment, but could not. He had about \$80.00 when he left Chicago, and he wrote many times, --once or twice, and received a letter from his mother in Mexico. He sent a birthday telegram to his mother on June 29th. He only had a tourist card and could not work in Mexico. Communications received while he was living with his grandmother were from Kappe. That Barth is a relative of Dasch. That he told his grand-

mother he never intended to carry out the sabotage instructions. (P.2001). That his father and mother have never been members of the Nazi party, or any German organization, except the Schubert Sing Society of which witness is also a member; that his father is a member of the German Day organization in Chicago, which is a pro-American organization. That his mother had never been a member of any organization of that kind.

(P.2002). That he was given the name of Larry Jordan in Paris, by Kappe, whose name was suggested by witness. That he did not use that name in America because it would have been a crime. (P.2003). Witness was excited with the rest on discovering the gold certificates because he was afraid the gold certificates would be apprehended.

(Defendant's Exhibit D is a copy of a telegram witness sent to his mother from Mexico).

CROSS-EXAMINATION:

(P. 2005). That his statement which was read in open court was correct, except that it did not include all statements. That it did not include his trip out to sea, that he did not know he was going to Germany, until he was out at sea. That the reason they did not tell them where they were going, was because they could have gone to any bar and disclosed that they were going to Germany, and would have been apprehended by British agents. (P.2006). That his statement excluded statement of his intentions in coming over here, that he had left his clothing here and he never had any idea of going to Germany; that had he intended going to Germany to pass a winter, that he would have taken winter clothes. That he told this to Agents Hirsh and Rice. He told this to them continuously every day, that he was with them, as well as other agents who were guards in New York.

(P.2007). His statement also admitted he never had any intention of going through with sabotage; that he had told Hirsh and Rice this, that Mr. Hirsh said he was sorry that witness had not come in and told the F.B.I. the information the first time he was in the office. That he had told them this practically every day, how he had been hounded in Germany by the Gestap and the police and the army, and that they never trusted him.

(P.2010). That his statement was given to him to read before he signed it, made corrections thereon, and that he cannot remember whether the fact that he stated he never intended to go through with this job was included in the statement or not. He signed two statements, the second of which had nothing to do with his involvement.

(P.2012). He made no remonstrance when the statement was presented to him that anything had been left out. He first told the agents his story and they dictated it. That he made some corrections on the spelling. (P.2013). He left Chicago in June, 1941, because Gerda Stuckmann was pregnant and wanted me to marry her. He left because of the shame it would bring upon his family. That the reason he did not want to marry her was because of her condition, and the way she had been talked about. (P.2014)1 That he saw Miss Stuckmann before he left and told her that he was leaving. He told her he would probably send for her if he made good in Mexico. He did not talk to her about coming back, but told her he was going to Mexico. He said she assumed he would be back in three or four weeks. (P.2015). She made him promise that he would send for her. That at that time she had been pregnant for four months. That he had \$80.00 when he reached Mexico City, and lived on it for three weeks. That he was going to the American Consulate, but changed his mind on the way. That his plans were to stay in Mexico and get a job, if he could not get to Nicaragua. (P.2017). That after he found he

could not get a job, he met Hans Sass. That if he had not gotten the opportunity to go to Japan, he would have come back. That at that time he preferred the job at the monastery to coming back to the United States. That he did not telegraph his family for money because they had none, and he was trying to help them.

(P.2018). That the reason he did not go to the American Consul was because he met a man who said the Consul had no money to send people back to the United States. (P.2020). That prior to talking to this man, he had thought of going to the American Consulate to get back to the United States. That he went from Mexico to Japan, the tickets being given to him. (P.2022). That he did not go to the German Consulate, but received the ticket in the Zippon Steamship office from Sass, who told him the German Consulate paid for the tickets. That Von Wallenburg was the one who gave him the tickets. That Von Vollenburg told him that there was a war with Russia and he couldn't get to Germany. That he does not know whether Von Vollenburg thought he was trying to get back to Germany. (P.2023). That he had no papers other than a passport issued by the German Consulate, which was stamped by the Japanese office. He made out certain papers for passport, and gave his nationality as American. (P.2024). The American Consul did not visa this passport. (P.2026) That he did not know who actually signed the passport, although he assumed the German Consul, or someone in his office signed it. (P.2027). "Wasn't the reason that the German Consul signed it that you told the German Consul or told Von Wallenburg that you were a German citizen?" "A. No, because in order to tell him that I would have to show him some papers that I am a German citizen, and I could not."

(P.2027). That he did not go to the German Consulate in Yokohama. That he was taken to a hotel by German Consulate officials and Japanese police. That they took his passport and issued a permit of stay. That he got his passport back when I was on the ship Scharnhorst. That he was in Japan three weeks. That he did not call on any German consulate or American Consulate in Japan. That he left Japan in Kobe sometime in September on a German boat. That he had no other papers than the passport; on the boat, they gave out seaman paper for him. (P.2029). That he signed the paper but did not take an oath. That the paper stated he was a seaman hired in Kobe, Japan, and at the end of the trip in Bordeaux, they filled out the number of days on the trip, and put a stamp on there, discharged. The paper gave his nationality as American. (P.2030). These papers were given on the third German Boat. That they gave him a choice of being a vagrant in Japan, or a seaman. That a vagrant would be shipped to a part of town where there are nothing but prostitutes, and he would never get out.

(P.2031). That they went around Cape Horn and were on the last vessel 107 days. (P.2031). That he received the iron cross, Second Class and a special decoration for running the blockade, as well as a citation. That the citation said that every seaman on a German ship which ran the blockade is entitled to the iron cross. That there is another American citizen in Germany who received the same decoration.

(P.2033). That he first arrived in Germany at Saarbrücken. That the boat trip ended at Bordeaux. That he went from Bordeaux to Paris, staying there three or four days. That he had never been to Paris before. That he was there again when he came to Lorient. That he never worked in Paris and never had a secretary working for him there, and did not say to his father or to his mother, or anyone, that he had. That at Saarbrücken (P.2034) he had a German passport, which he kept until he went to the school. That he was met at the boat at Bordeaux by the Gestapo. That they had no record of me at that time, and "I told them we were hired as seamen at Japan, and had just come from there. He did not tell them he was an American citizen, and they did not inquire. He told them that both his parents were American citizens. That they were kept

aboard because they were believed to be Americans. (P. 2036). "So far as I know, I am an American." (P. 2036). "The Gestapo thought I was a spy". (P. 2037). Prior to going to school, he was seen by the Gestapo on the average of three times a week. That they seemed suspicious, and would not let him work. That they did not know his citizenship.

(P. 2038). Witness first heard of the sabotage plan in April, by Kappe. That Kappe was dressed in uniform part of the time, and part of the time in civilian clothes. That Kappe was a lieutenant in the German Army. (P. 2039). That Sass never suggested that witness go to Germany to aid the German cause, and that Kappe stated he learned of witness through Sass. (P. 2041). Exhibit P-256 is a photograph of Kappe, Barth and two other unknown persons. That he had not known Barth in this country, and had not heard of him before talking to Dasch. (P. 2042). That Exhibit P-257, is Paul Schmidt, who was at the sabotage school. That he was also known as Swenson. Witness met Swenson in Mexico City and (P. 2045) in Japan, and next in the office of the editors of the *Kaukasus*. (P. 2046). That Swenson was a British subject.

(P. 2047). That no one was at any of the conferences with Kappe until the last one when I went up with my belongings.

(P. 2048). He was told by Kappe in Berlin about the school. That he was told he was to be trained to go back to the United States, but not told what he would be trained for. (P. 2049). That he had a choice of going to the school or probably ending up in a concentration camp with a very bad record in Germany. His father's brother and mother's brother had been in a concentration camp. That Kappe did not seem to have a record but knew all about him. That it was not until they arrived at the school that he was told the whole plan.

(P. 2050). That he never an oath. That he signed a contract in which there was an agreement to pay him 280 marks a month. That he does not know who ran the school but that Kappe was in charge of the school. That the contract was with the German government. It stated that after the war, he could get a job in Germany as an optician.

(P. 2051). The second paper was an oath of silence and the third paper was not an oath, but a written statement. The third paper said that in case of arrest, I was not to disclose anything that happened.

(P. 2052). That the uniforms were issued at the Naval Supply Station in Berlin. That these were work clothes and similar to the type of uniform produced in evidence except the buttons. That the buttons were different on some of the uniforms. That some had plain buttons and others had naval buttons.

(P. 2053). That he was issued a coat, a cap, pants, socks, and shoes. That they were all substantially alike and were fatigue clothes. The clothes were similar to those worn by the sailors on the submarine.

(P. 2054). That his medals were left in Germany.

(P.2054). That he registered at the Mayflower Hotel, although he had never been in Florida before. From there he went to Chicago. That he was in Jacksonville one night and one afternoon, and that he did not know at that time that there was an F.B.I. office in Jacksonville.

(P.2055). That upon his arrival in Chicago, he went to the home of his uncle, Walter Froehling, but spent the night at home. (P.2056). That his father, mother, uncle and aunt, and two children were there. That he was at home seven nights.

(P.2056). He registered under his own name at the Mayflower Hotel in Jacksonville, giving no street address.

(P.2057). That Exhibit E-258 is a copy of his registration which contained a street address which is an address the Haupts' had had up to one month before Haupt left Chicago. That this was the last address Haupt could remember.

(P.2059). That in Mexico he had used the new address, and had used the correct one in Japan.

(P.2060). He stayed at his uncle's house one night because he was to receive a telephone call from Hermann Neubauer, who was coming to Chicago. That Neubauer called him the next day, on June 30th, and they met downtown. (P.2062). That he went to his uncle's because that was the address given him by Kappe, and where they were supposed to communicate.

(P.2063). They told his uncle they had come from France on a submarine; Haupt told him about the schooling, but not the nature of the schooling. That his uncle or father told him he was liable to be caught, and they knew "I was not sent over here to do any good". (P.2064). To this, "I told them to leave me alone for a while; I was awfully nervous".

(P.2064). His mind was made up the minute Kappe suggested going to the United States, on what he was going to do. He planned to turn the group in on July 6th, and planned to help the American authorities all he could. That he had gone to the F.B.I to tell them he was back in the United States, because they had been inquiring about him in December on account of his selective service. (P.2065). That the F.B.I. knew he was in Japan. That he was nervous for fear he would be picked up, before July 6th, on which date he was coming to the F.B.I. (P.2066). That he did not go to the F.B.I at that time because he didn't know where anyone was, and picked the 6th of July because he heard there was to be a meeting in Cincinnati the 4th, between Dasch and Kerling, and that they were coming to Chicago on the 6th. That he was afraid of other men that came over before he did, and of the Gestapo. (P.2068). That he was so much afraid of the Gestapo as he was of his own accomplices, particularly the Long Island group.

(P.2068). That he had talked to Neubauer and he said he would not go through with it, and that Kerling was not and "After all, I became acquainted with them in Germany, and they are not hoodlums and I did not want to be a rat, either."

(P.2069). That Neubauer was so nervous he could not sleep and jumped at every noise. That Neubauer said that Kerling was also nervous, and afraid to get in a taxicab. That Thiel was so nervous that he held his hand over the earphone of the telephone when it was hung up. That he talked to Neubauer about this on Sunday for the first time. (P.2070). That Neubauer stated he was not going through with it

and knew the other two didn't have the nerve to do it. That after Neubauer told him this, he thought it would be a dirty thing to turn them in. (P.2071). That he knew Burger was going to turn them in. That he had told witness how he had suffered in Germany.

(P.2071). That he was going to talk to the others and give them a chance, and tell them he was going to turn them in if they did not agree. This applied to the others as well. That he was going to consult only Dasch of the Long Island group, because he was the only man that was coming to Chicago. That he did not know where the others were.

(P.2073) If he told the men who landed in Jacksonville that he was going to turn all of them in, they would come to the F.B.I with him and give themselves up.

(P.2073). That he was mostly afraid of Dasch because he was the first man that witness met of that group, and at that time, Dasch had given him a warning talk. That Dasch was in very good with Kappe, and anything he suggested in respect to the organization and teaching of the school was done. (P.2075). That Dasch was very close to Kappe.

(P.2075). He told his father that he came from France on a submarine and about the money, although he had not told him that he had worked in Paris with a Secretary. That he had not told this to anyone else either. (P.2076). That he told his father that they were trained in Germany to hinder production in the United States. (P.2077). That he did not tell his father he was going to give himself up. He told his mother not to worry as everything would turn out all right, although he did not tell her in so many words that he was going to give himself up. He told nobody he was going to give himself up. (P.2078). That Wergin offered assistance.

(P.2079). That he came to the F.B.I. about his registration of his own volition. That it did not occur to him to tell them about himself and his group at that time. (P.2080). That no number was given to him in the German Army at the time of going to the sabotage school. That he was mad at Walter Kappe because he gave them gold certificates, since it would have meant their apprehension if they had used one. If he would have been apprehended on landing, he never have had any excuse. (P.2081). That he wanted a chance to tell the truth. (P.2081). That he did not decide a car until he spoke to Gerda. That they were going to use it on their honeymoon. That he thought that after giving the facts to the F.B.I. they would allow him to work, and go on his honeymoon.

(P.2082). That Kerling told him at first not to go to Chicago, and later consented. Kerling knew from Kappe how to get in touch with him in Chicago, at his Uncle Froehling's house. (P.2083). That he gave Kerling Bartler's phone number, but never got in touch with Bartler. (P.2083). That Kerling gave him a zipper bag at Jacksonville, and told him to leave it at the Froehling home. (P.2084). That Kerling intended to change the money in the other bags in New York into other currency. That he did not tell Kerling he was going to use the money in his money belt to buy an automobile. (P.2085). That Thiel was extremely nervous in Jacksonville, but did not say he was not going through with the plans. That no one ever told him in Germany that they were not going through with the plans. That he never told anyone in Germany that he was not going through with it, outside of his family. That he told his uncle and aunt in Germany about the sabotage school, and told them he was not going through with it..

(P.2086). That his uncle in Germany is not a member of the Nazi party, and not in good standing with the German government

and his uncle told him if he wore the iron cross that he could not stay in his home. (P.2086). That it was not intended that he should get a job, but it was intended that he should get papers from some friend in the United States, including social security card and draft registration card. That they were instructed to start a business to show that they were employed. That if they were caught, they were supposed to use a fake story, and not say they had been to Germany. That his story was to say that he was a British subject from a British ship, and either that he had never left the country, or had come back from Japan. (P.2087).

(P.2088). That he never planned to get caught, because he never planned to go through with the sabotage, as he intended to turn it in. That his plan to turn the thing in was not formulated until after he landed. That the only idea he had in Germany was getting home again.

(P.2089). "I can't be sure whether it was on the submarine or just after landing, when I really got to thinking that the only thing to do would be to turn it in, because even though I didn't want to go through with it and the only reason I came back was to be home, it would not stop somebody else from going through with it."

(P.2089). That he decided on the submarine to turn it in, but did not make a plan as to how he would do it. (P.2091). That he told the F.B.I. he had just returned from Mexico and (P.2092), that he had heard F.B.I. agents had been inquiring about him in December at his home. That he explained his absence from the United States by saying that he had become involved with a girl who accused him of being the parent of her child. That because of her customary drunkenness and other habits of running around with other men, he had refused to marry her.

(P.2093). That after returning, he talked to the girl, and decided the only thing to do to square things would be to marry her. That he told the F.B.I. he had spent most of the year living with the Indians in Mexico prospecting for gold. That this was not true.

(P.2094). He told the F.B.I. that when he learned Schmidt and Sass were going to Tokyo, he gave them money and requested them to send a telegram to his mother from Tokyo. That this was not correct. (P.2095). That he told the F.B.I. that where he came from he would never have had a chance to turn this in. That the only reason for going to the F.G.I was that he didn't want to be bothered until the 6th of July.

(P.2095). That Vergins and the Froehlings knew he was a German agent.

TESTIMONY OF JAMES STEWART HAGEN, 923 LOTHROP AVENUE, RIVER FOREST, ILLINOIS, PRESIDENT OF THE SIMPSON OPTICAL MANUFACTURING COMPANY, A WITNESS FOR THE DEFENDANT HAUPT.

DIRECT EXAMINATION:

(P.2119). That he has been president of the Simpson Optical Company since 1933. (Witness identified Haupt.) (P.2120). That Haupt started working for him in January, 1939, and worked until June, 1941, reporting that he wanted to travel and to go to Mexico. That his work had been satisfactory. He has not seen Haupt since, and does not know of Haupt's applying for employment in his company.

CROSS-EXAMINATION:

(P.2121). That Haupt was valuable to the extent that he had completed two and a half of eight years training as an optician.

That he talked to a man from the Ordnance Department about Haupt on June 13, 1941. (P.2122). That he would not pay the expenses of a workman of Haupt's skill from Germany to the United States, so as to be able to use him.

(P.2123). That Haupt did not say how long he was going to stay in Mexico, or when he was coming back. That he also mentioned Central America.

TESTIMONY OF HERBERT JOANNES WILHELM HODHELF HAUPT,
ONE OF THE ACCUSED, RECALLED FOR CROSS-
EXAMINATION.

(P.2124). That he was not given an army number, and does not know whether any of the others were. That it was suggested by Kappe that he use his own name. (P.2125). He was instructed by Kappe to state either that he had never left the United States, or had been traveling before getting into the army, or that he went to Mexico, and returned. (P.2126). That after being apprehended, he told the F.B.I. that Kerling was to get in touch with a girl, and that he, Kerling and the girl would go to Florida, take the explosives and traveling bags to New York.

(P.2127). That Kerling spoke of this a few days after they left France, after having heard about the gas rationing on the radio. That Kerling and Neubauer stated they heard gas rationing was to take effect all over the United States. (P.2128). That he knew his Uncle Froehling's old address, but did not know his new address, which was given to him by Kappe. (P.2130). That he took addresses with him, but threw them away when he left Mexico. (P.2131). That it was not the plan for him to register again.

(P.2131). That the money to be paid to him was to be paid by an organization in the name of which he did not see, because it was covered up when the contract was signed. (P.2132). That it was his understanding that the German Army was to pay the money.

were

(P.2136). That the uniforms/to be used in getting on the submarines, so that the French and British agents in France would not see civilians going in a German submarine, and the idea then arose between Kappe and the captain of the U-boat that if we wore the uniforms while landing, we would become military prisoners of war.

(P.2136). That he never renounced his American citizenship.

(P.2137). That he had about \$20.00 left in Mexico when he went on the Japanese ship. That Hans Sass gave them a little money, about \$10, of his personal money.

(P.2137). That he first found out about the meeting in the Knickerbocker Hotel on July 6th from Neubauer on June 20th. (P.2139). That he did not tell anyone he had a secretary working for him in Paris. His father might have conceived this idea from his telling that he, Haupt, received clothes in Paris where there were a number of Germans there who had been interned before the French campaign and who were returning to Germany. He worked with the secretary of the man who ran the hotel, and made out formulas for them, and the secretary went with him as far as Berlin. (P.2139). That he told his father he had a German marine artillery cap, and that the idea of being a prisoner of war, if captured, was that of the captain of the U-boat, but that he, Haupt, did not think he would be considered a soldier if he had on an army cap and swimming trunks. That he told his father there was money in the bag.

That he told his father of the meeting on July 6th; that the head boss would be there. That he told his father he would give the zipper bag to the leader of the group, at that time, who would take it to New York and get it changed into American money. That he had heard Kerling say he knew someone in a bank who would change the money.

REDIRECT EXAMINATION:

(P.2144).

That he was well known at the address which he gave at the hotel in Jacksonville, and that persons in that vicinity would know where he was.

(P.2145). That there were two types of uniforms, one with naval buttons and one without. That he did not have naval buttons. That they were given to them in Berlin. (P.2145). That he knew on the submarine that there was to be a meeting at the Gibson Hotel in Cincinnati, and that there was to be no sabotage for about three months.

RECROSS EXAMINATION:

(P.2147).

From 1936 to 1939, he lived at 4444 Western Avenue. His mother then took a trip to Germany and he and his father lived with the Froehling's at 3855 Whipple Street. When his mother returned, they lived at Glencoe, Illinois on Hoffelder Road. (P.2148). That they then moved with friends in Maywood, the Bartler's, and then moved to Fremont Street a few months before he left for Mexico.

QUESTIONS BY THE COMMISSION:

(P.2149). That it was not at first contemplated that they would make a contract, but that they would receive a sum such as 20,000 or 30,000 marks after the war was over, and that it was figured that the hearts and souls of the men who were married could be bought easier by promising them money. That the contract was drawn only because Kappe might be shipped from his present job to the Russian front and get killed.

(P.2149). That the contracts varied but that each stated that the men were V men, and that monthly amounts would be sent either to their relatives, or deposited to their account in a bank. That the contracts were already signed by others whose signatures they were not allowed to see. (P.2150). That he indicated he wanted to work as an optician in Germany. (P.2151). That everything was against him in Germany, as he had not come there of his own free will, and his relatives were against the Nazi regime. That the contract was signed after the school. That he was not under oath when he signed the contract.

DIRECT EXAMINATION:

(P.2152). That at the time he signed the contract, he intended to come to America, but never to commit sabotage. That it was necessary to sign the contract in order to come to America. (P.2153). That his mother's brother was in a concentration camp at the time he was in Germany, and is not out.

EXAMINATION BY THE COMMISSION:

(P.2153). Had he not agreed to come to America to do sabotage, he probably would have been put in a concentration camp. Kappe stated they would pick up his friend Wergin if he, Haupt, did not co-operate.

(P.2154). The questionnaire they all filled out at Saarbrücken gave his name, age, description, amount of money, location of relatives, information as to party membership, citizenship, and purpose in coming to Germany. He gave his citizenship as American.

TESTIMONY OF MRS. AGNES JORDAN, 2038
CULLION AVENUE, CHICAGO, ILLINOIS, A WITNESS FOR THE DEFENSE.

DIRECT EXAMINATION:

(P.2157). That witness has lived in Chicago, thirty-five years. (Witness identified Haupt). That she knows the Haupt family. That she was living in Chicago in 1941, and last saw Haupt there in April or May of that year. She met Haupt, who inquired about her son Lawrence, called Larry for short. (P.2158). That he came to her house about three weeks ago to inquire about her son, and said that he had come back from Mexico. (P.2159). That in 1941 he had stated he was going to South America, but not why he was going.

CROSS-EXAMINATION:

(P. 2159). That when Haupt came by her house three weeks ago, he said he had been to the draft board and registered, and did not say why or where else he had been. (At this point, Defense Exhibit E, Report of First Lieutenant Samuel C. Pace, Assistant Intelligence Officer, was read in to the record).

(Summary of report).

(P.2164). I interviewed Herbert Haupt and Wolfgang Wergen in the presence of Mr. Eagen, President of the Simpson Optical Company. Wergen and Haupt are leaving their jobs to go to Mexico, Guatemala and Nicaragua, and other countries in Central and South America. They expect to be in Mexico City only a week or so, and will go to Nicaragua where they have reason to believe they can obtain work.

(P.2165). That there is no precision optical work to be obtained any where they are going, and Mr. Eagen said privately that neither had learned enough of the trade to be of any substantial value to an employer. That he does not consider their loss to be great. That Mr. Eagen stated he could not conceive of its being worth the necessary money for Germany to arrange for the transportation of these young men from Chicago or Central America to Germany. Assuming Mr. Eagen's opinion is competent, it seems there is no possibility of any plan to transport Haupt or Wergen to Germany because of their skill in the trade.

(P.2166). I attempted to induce the boys to remain on the job, but could not do so. Mr. Eagen thinks that this is a case of youthful wanderlust. I see no definite reason to disagree.

(P.2166). Wergen and Haupt were born in Germany. Haupt visited relatives in Germany in 1936. Both say they are American citizens, and have applied for passports to enable them to enter the South American countries. Neither is registered for the draft.

TESTIMONY OF MRS. ANNA EMMA HAUPT, MOTHER
OF HERBERT HAUPT, A WITNESS FOR THE DEFENSE.

(P.2171). (Witness identified Haupt.) That she has lived in her present address a year in May, and moved there from Ainsley Street. (P.2172). That she last saw her son in June, 1941, and then saw him in June, 1942. That in May of 1941, witness was sick in the hospital and Haupt came to her stating that he wanted to go on a vacation, and was planning to see Mexico with his friend. That two days later his girl friend came and told her she was an expectant mother, and Herbert was the father. She was told that Herbert had left for a vacation and that witness had received a card from St. Louis or Oklahoma. (P.2173). That she received a letter from Mexico, and wrote him to come back as his girl friend was in trouble. That she received a card from Mexico, and a cable from Tokyo in August that he was ~~there~~. That she never heard from him again until he returned on June 19, 1942.

(P.2173). That she received a telephone call from her brother, and when she arrived at his house, found Haupt. (P.2173). That while Haupt was in Mexico, she received two letters and a birthday telegram, on June 29, 1941. That the letter spoke of the beauty in Mexico, and stated he wanted to get work there. That prior to his leaving he had mentioned Mexico, Guatemala and other places, including Nicaragua. That he had gone down to get a passport, and told that he needed no passport to go to Mexico. That witness subsequently received nine of the ten dollars which he had paid for the passport, back. That when he had returned, he said he had been to Mexico first. On being pressed, he told where else he had been, and that he didn't know any other way to get back to the United States. She knew Haupt had registered for the draft and applied for work at the Simpson Optical Company because he wanted to live his lively routine again. That he asked if he had been called by the F.B.I. as to his not registering.

(P.2176). That he went to Mr. Grunman about getting a job. That witness, her husband and Haupt went out to see Mr. Grunman.

(P.2177). That they moved from the Western Avenue address in May, 1939. That from there they went to 3655 North Whipple Street and from there to Ainslee Street, and from there to her present address. That they lived on Western Avenue two years.

QUESTIONS BY COLONEL ROYALL.

(P.2179). That witness's family consists of herself, her husband, and Herbert.

CROSS-EXAMINATION:

(P.2179). Witness lived at Whipple Street from May to October, 1939 and then moved to 2234 North Fremont Street. That prior to a year ago last May, Froehling lived at 3655 North Whipple Street, at which time he moved two houses further up. That he lived at the old address three years. (P.2180). That Haupt went there frequently. That Froehling moved before Haupt left.

(P.2180). That Haupt's girl friend is Gerda Stuckmann. That when she came after Haupt left, she said that they had been together a week before; that he had told her he was going on a vacation, although she did not know where he was going, and asked if witness knew where he was.

(P.2181). That Haupt said he came back on a ship, but not what kind, and that she did not hear him tell her husband of it.

REDIRECT EXAMINATION:

(P.2181). That Froehling moved to a new address shortly before Herbert left.

CROSS-EXAMINATION:

(P.2181). That Froehling moved about a month before Herbie left.

TESTIMONY OF MRS. GERDA MELIND, 1762 ABION AVENUE,
CHICAGO, A WITNESS FOR THE DEFENSE.

(P.2184). (Witness identified Haupt.) That witness is a beauty operator, and that she knew Haupt in 1941 and last saw him in June of that year, having known him for about 2½ years. That she was married to Herbert Melind five years ago prior to the time she knew Haupt.

That when she met Haupt, she was going by her maiden name, Stuckmann.

(P.2186). That she knew Haupt very well at the time he left in 1941. That she did not know for sure that he was going away. Three or four months before he left, he mentioned plans of going to Mexico; that on the last evening she saw him, he said he was not going, and would call her on Wednesday. That she did not receive the call, but received a card from St. Louis next day saying he was on his way to California. That at the time of his leaving, I was expecting a baby, and he told me that he would not desert me. That the card came about three days after he left, saying that he was on his way to California, and would be back soon. That she did not receive any more mail from him, and did not see him until the Tuesday after he returned, when his mother told her he was back. This was a week before the fourth of July.

(P.2187). That when Haupt left, they were engaged, and when he returned, he proposed to her, but she did not accept. That she did agree to have a blood test and bide her time and find out more about where he had been. That he had just said he had been to Mexico. That a blood test was necessary for marriage, under the Illinois law.

CROSS-EXAMINATION:

(P.2188). Her husband died five months after she was married. That she saw Haupt's mother twice after he left, about a week afterwards. That she asked where he was going, and his mother said she had received a card from St. Louis. She was surprised when he asked her to marry him, and wanted to know where he had been, because she had not heard from him for a year. That they did not discuss money, and he said he could get his old job back. That he had been down to the company, and they said he could work again. That he said he had been to the draft board and registered. That she saw him only that one time. He did not mention any of the other boys he had been with. He said he had returned on a train from the West coast. (P.2191). That he had only been to Mexico.

TESTIMONY OF HERMANN OTTO NEUBAUER, ONE OF THE
ACCUSED, TESTIFYING IN HIS OWN BEHALF.

(The rights of Neubauer as a witness were explained to him, and he stated that he desired to be sworn as a witness.)

DIRECT EXAMINATION:

(P.2194). That witness was born in Hamburg, Germany, and lived there twenty-one years before coming to the United States in 1931. That he is now thirty-two years of age, was married on January 10th, 1940, in Miami, Florida. His occupation in the United States was as cook and chef.

(P.2194). That he had made application for citizenship papers in the United States, taking out his first citizenship papers in 1932, in San Francisco; he was on the SS Manhattan of the United States Line when war broke out in 1939 at Havre, France, and had to go back to New York, and thereafter to the Immigration officers where he made application for citizenship, but found that his first papers had expired one day before his last application arrived.

(P.2195). He remained in America until July 11, 1940, and worked at various places in Miami, Florida. (P.2195). That upon arriving in New York from the Manhattan after the declaration of war in 1939, he returned to Germany, where he met Kerling and six others, and

bought a sailboat to return to Germany, but did not succeed in doing so. That they were detained by the immigration authorities and coast guard at various times while on the boat, and finally sold it. That he sailed for Germany on July 11th, 1940, on the SS Exochorda, arriving in Germany on August 3rd, 1940. That he went to Hamburg.

(P.2197). That he was drafted in the German Army on November 14th, 1940, and fought in Poland against Russia. That he was wounded, had a paralysis of speech for two days, and he was removed to a hospital in Krakow, hence to Stuttgart, Germany, where he stayed six months in the hospital. That they wanted to operate on his head to remove the splinters, but it was too near the brain. That he was sent to a sanitarium for his nerves. That he got excited about anything; that the condition is now better than it was, but is still bad.

(P.2199). During the time he was wounded, he was moved about a great deal with great discomfort.

(P.2200). While in a hospital in Vienna in January or February of 1942, he received a letter asking if he would go on a special assignment to a country where he had been before. That the letter was from Kappe. That he had agreed to go. That he was a private in the Army, and had been for seventeen months without receiving any promotion.

(P.2201). He subsequently received orders to report at a school at Ranke Strasse 6, and a railroad ticket.

(P.2201). When he was asked if he would go on duty in a country where ~~that~~ had lived, no information as to the type of duty was given. That he thought it would be as a soldier, and thought maybe he would be going to England as a soldier. That he first found he was to wear civilian clothes when he received his order to go to the school.

(P.2202). He went to Hamburg, and did not think about the order as he was a soldier, and did as he was instructed. On arrival at the school, Kappe told them they were to be trained in different ways of committing sabotage, and that they were going to the United States. That as a soldier, he could do nothing. That he discussed it with no one. (P.2204). That at school, they were instructed how to mix chemicals for making explosives, but were instructed to kill or harm no persons, as they did not want to arouse the feelings of the American people. That they were told to dynamite freight trains but not passenger trains. That they were never given any instructions to get any military information or other information and send it back to Germany. That they learned secret writing to communicate between themselves in this country. That they were never instructed as to methods of communicating with anyone else, outside of this country. That he knew nothing of handkerchiefs or addresses on them, until he heard it at the trial.

(P.2205). That during his stay at the camp, and up to the time he sailed on the submarine, he simply followed orders. When he found he had to come to the United States, he didn't like it. His wife was born in the United States, and her family is there. Also if you have been a soldier, you don't think much of an agent or a saboteur, and that he didn't like it, but could do nothing about it.

(P.2206). He had told Kappe he didn't think it was right to send him to the United States, as he had been picked up by the F.B.I. before, and they would know who he was. That Kappe told him he was not going to be picked up.

(P.2206). That at Lorient they found gold certificates in the money, and were surprised, nervous and disappointed, because the others had been so

careless on such an important matter. That he and Kerling told Kappe and a naval officer that they did not ^{see} ~~not~~ ^{like} ~~going~~ after this incident of the gold certificate, but were told that they could not now back out.

(P. 2207). That during the trip from Berlin to Paris, Kappe remarked that everyone seemed to have the right spirit except Neubauer.

(P. 2207). That on the submarine, he felt bad about the way they had treated him in the army. That at first he did not know exactly what he was going to do. That on the third or fourth day before he landed, he wrote a letter to his wife in Hamburg. That he and his wife had argued before he left, she stating that he had been wrong in coming to Germany, as she felt she was being watched and treated like a criminal. Prior to landing, he wrote her a letter stating she should try to get on a Swedish boat and come to the United States. (P. 2209). That he showed the letter to Kerling, who just looked at him. That he was taking orders from Kerling. (P. 2209). That on landing, he was glad the boxes were buried and off their hands, and spent the night at Jacksonville with Kerling at the Seminole Hotel, and went to Cincinnati the next day. (P. 2210). That on the train, he was nervous and felt that he was watched. That they talked it over, and came to the conclusion that they would have no chance to go through with their orders. That he left Cincinnati on Saturday night for Chicago and arrived there the next morning, and going to the LaSalle Hotel. That he felt he was being watched, and had to force himself to eat, and was frightened every time someone knocked on the door, for fear it would be a waiter whom he knew before.

(P. 2211). That they had orders from Kappe to take plenty of time to get acquainted with conditions, to get papers, and to take three to six months, if necessary. (P. 2212). That when he left Kerling and Dasch in Jacksonville, he knew Kerling and Dasch were going to meet on "Labor Day", July 4th in the Gibson Hotel in Cincinnati. That he meant "Independence Day". (P. 2212). That he met Haupt in Cincinnati that evening, and he and Haupt arranged to meet in Chicago, and he and Haupt arranged to meet in Chicago. That before leaving Cincinnati, Kerling told him to go to Chicago and stay until July 6th, when Kerling would call him. That they had talked on the boat, and later on, before arriving in Cincinnati, that if they would not go through with it, they would try to go to Mexico. That he and Kerling first discussed this two or three days before they landed, and later Kerling told him that he, Neubauer, Thiel and Haupt would discuss it in Chicago. That it was not planned that any sabotage would be done before July 6th. (P. 2213). That he met Haupt on June 21st in Chicago and told him of Kerling's discussion. That he and Haupt decided there was no possibility to go through with the plan. That he and Haupt had not decided what they were going to do on the 6th of July when Kerling came. (P. 2214). All the while he was nervous, and bought some rum. (P. 2214). That he had made up his mind on the submarine when he wrote his wife, that he would not go through with the plan of sabotage.

(P. 2214). That he gave three statements to the F.B.I., the first of which was incorrect. That he had heard from the Jaques on the 26th that the radio had stated that German submarines had landed agents in the United States, and thought that information would get back to Germany if he gave the correct information to the F.B.I., so that his first statement was not true for that reason, but that he was afraid his wife would be taken to a concentration camp and she would never have a chance to get away from Germany. That in later statements, he gave the F.B.I. all the facts, including things not in the statement. That he did not tell them he had reached his decision on the submarine as he was afraid it would get to Germany.

(P.2216). That he was acting under orders until the time he thought he could not go through with it. That the orders were that they were to send no sealed letters back to Germany, and that the Captain and Kerling did not object to his sealing his letter.

CROSS-EXAMINATION:

(P.2217). That he took his first papers in Cincinnati in 1932. That he was a member of the German-American Bund in 1935 and 1936, until the order came out that all Germany citizens had to get out of the Bund. That he was a member of the Deutsch Volksbund in Chicago from 1936 until 1939. That that society was made up of those who had previously been in the Bund. That it was under the direction of the German Consul. (P.2218). That Kappe was at the bund in 1935 and made a speech at Chicago at one of their regular meetings. (P.2219). That Kappe was the editor of the bund newspaper. That the English translation of the name of the newspaper is "Germans Awake", or "Alarm", something like "German Alarm Corps". That he did not meet Kappe that night, but first met him in Germany.

(P.2220) That he became a member of the N.S.D.A.P. in Chicago in 1937. That the reason for joining the Nazi party was that during the time he was in Germany at the time of the Olympic games in 1936, he seemed some improvement. People seemed to feel content, and he thought he might go back to Germany some day.

(P.2221). He made an application for membership to the German counsel, Dr. Tannenbarg, who told him to be a good member of the Nazi party, and that he said he would do so. That he purchased Reuckwanderer marks in 1936, to the extent of \$1000.00. That these were deposited in a German Bank, to create a credit in Germany when he returned for him.

(P.2222). That the purpose of buying the boat was to get back to Germany, because he could not get a job in New York, because he was a German. That he had a German passport issued by the German consul in Chicago. (P.2224). That the letter he received from Kappe had no letterhead, and said nothing about the kind of special assignment he was to have. That it said "Soldier Hermann Neubauer, I ask you if you would like to go on a special assignment to a country where you have been before." It was signed by Kappe.

(P.2224). During the course at school, He asked exactly why he had been picked and he told me it was none of my business, but Kappe seemed to know all about him. (P.2225). It was understood that he should first get accustomed to living conditions in the United States. That he was not told to register again, nor were the others. It was left up to them to do whatever they saw fit, with reference to getting a job. That he did not know whether the leaders were to report right to Germany.

(P.2226). That they were to communicate among themselves, using secret ink and designate a meeting place. That a V-man is in civilian clothes, and trusted on a secret mission. (P.2227). That they were instructed to say nothing if they were arrested. That a history was prepared as to what they had been doing. That his story was that he was born in Walsten, Pennsylvania, which name was given to him by George Dasch, because he knew that the town did not exist any more. That he was to say he was an American, and his mother went to Lithuania, where she and his father had been born, in 1914, and did not return because of the war. That he was to use the name "Henry Nicholas", and that he did use that name in the Seminole Hotel in Jacksonville, the LaSalle Hotel, the Sherman Hotel and the Sheridan Plaza in Chicago. That he gave an address on LaFayette Avenue, Brooklyn, New York at the hotel, but did not know whether such an address existed. That he made up the

LaFayette address in Germany before the registration cards were filled out by Dasch. That the gold certificates were bad money (P.2229), because they might have been traced, and he might have been picked up; that it made him nervous because they had not thought of his safety.

(P.2230). Referring to Burger's statement that witness was after money, Kappe told him he would get \$300.00 every month in a bank in Berlin, but when he signed the contract, it only stated he would get \$200.00. That he had seen other occasions when he had ^{been} promised things but not given them; that he had been told by Kappe that he would be promoted to a Corporal, but had not been so promoted.

(P.2233). That in his letter to his wife, he told her that American or German citizens were being exchanged, and that she should try the same thing. That he did not mention he would be in the United States.

(P.2234). When he was landed, he was afraid of almost everything, and thought he was being watched. That on the boat, after he had shown the letter to Kerling, Kerling said something like "Maybe we both going to have our wife again." That they did not discuss what they were going to do, and did talk about the realization that they couldn't go through with it, and if they could not, they would go to Mexico.

(P.2235). That after he and Kerling had noticed the way everything was watched at railroad stations, factories, etc., that they decided on the train they would not have a chance to go through with it. It was decided that four members of the group would decide what to do in Chicago on July 6th. (P.2235). That it was also decided that if they did not have a chance to move to the other countries, they were going to give themselves up to the F.B.I. That this was his suggestion. That Kerling said they would have to wait until they all agreed on it. That if they could not get out of the country, it was contemplated that all report to the F.B.I. together. (P.2237). That they did not see any way to get the explosives again. (P.2238). That after arriving in Chicago, he was nervous and gave his money belt to Jaques. (P.2239). That he told Jaques that he had come from Germany, and that the money was given to him in Germany and he would like for Jaques to keep it. That he told them Kerling had come over with him. That he told Jaques he had come over on a submarine.

(P.2241). That he did not go to the F.B.I. on arrival, because at that time, he and Kerling had not decided what to do. That he jumped ship (P.2241), in the United States in 1931. That he was given \$80.00 by the German Consul in 1940, to pay part of his transportation to Germany. That he went to the German Consul's office in Lisbon, and during his stay there, the German Consul paid for his room and meals. That the same thing was done in Rome. That he was given a letter for which he obtained a second-class ticket for the Brenner Pass.

(P.2245). That with the exception of statements about the money belt, and two or three other things at that time, the statement was otherwise true.

(P.2245). That the statement "I admit that I came to the United States with this group for the purpose of committing acts of sabotage" is not true. That he made this statement to the F. B. I., and also "and might have done so if the opportunity arose.", which is also not true.

REDIRECT EXAMINATION:

(P.2246). That he joined the Nazi party in 1937, and after he found difficulty in getting work here, he sought to go to Germany, and finally did so. That he was drafted in the army, and obeyed orders. That he first decided on the submarine that he could not go through with this plan, and would not do so. (P.2247). That he first disclosed this to Kerling on the train because he was afraid to do so on the U-Boat. That he did nothing about abandoning the plan, waiting to see all of his group. That he was not to communicate any military information between the group, or any facts about anything, but to use it, merely, as a means of seeing each other.

TESTIMONY OF WERNER EDWARD THIEL, ONE OF
THE ACCUSED, TESTIFYING IN HIS OWN BEHALF.

(The rights of the accused were explained to him, and he stated he wished to be sworn as a witness).

DIRECT EXAMINATION:

(P.2250). That he was born in Essen, Germany on March 29, 1907, of German parents, and is a German citizen. That he came to the United States in 1927, as a passenger on the S. S. Cleveland, entering this country lawfully, going to Detroit. That they lived in Detroit for three and a half years, then lived in New York, Hammond, Indiana, Los Angeles, Philadelphia and Fort Myers, and the last few years, lived in New York again. He was in America fourteen years, as a tool and die maker. That he was educated in public school, and served his apprenticeship, and went to night school.

(P.2251). That he was a member of the Friends of New Germany from 1933 to 1936, when he withdrew as he was not an American citizen.

(P.2252). That in 1939, he joined the Nazi party and continued his membership in Germany, although he never took part in any activities.

(P.2253). That he went back to Germany in 1941, on the Tatuta Maru by way of San Francisco, Yokohama. That he met George Dasch on the boat; that none of his friends went with him.

(P.2253). That the German consulate paid his fare, for which he had to sign papers that he would return the money. That he has never paid any of the money back. That in February, he received a letter stating it was not necessary to repay the money. (P.2253). That he wanted to go home in 1936, but lost his money. That in 1940, he heard that the Consulate would pay his way, and he wanted to go back to see his parents and relatives.

(P.2254). That upon arriving in Germany, he first visited his relatives and then went to Berlin where he obtained work and worked there until the first of April, 1942. That one of his brothers had lost his eye in the war, and another had been killed, he being informed of this in the middle of March. As a result of this, he did not have a clear mind for quite a while. That the brother who was killed was 31 years, and was very close to him. That he heard about the school about the same time that he learned of his brother's death, before he was officially notified, although he felt at that time that his brother was dead, as letters addressed to his brother had been returned undelivered.

(P.2256). That at a meeting in Berlin, he had met George Dasch and Walter Kappe, whom he had known in Chicago in 1935, when he was a guest speaker of the Friends of New Germany. That on meeting Kappe, he recalled his previous meeting, and renewed his acquaintance with Dasch, and suggested that they meet again. That at this meeting, Dasch asked if he wanted to do something to help the fatherland, and go back to the United States. That he did not make up his mind at this time, but in the next week, he received a letter from Kappe, requesting him to come to 6 Ranke Street, and there Kappe "talked about how nice it is for us fellows who know the United States, to go back to the United States and do something for the Fatherland, and I did not know what it was, but I agreed to do it." (P.2257). That they did not say the purpose of the school, and he thought it had reference to propaganda or something of the sort.

(P.2257). That he first learned the purpose of the school after he arrived there. That he was instructed in making explosives out of chemicals for sabotage purposes, although they were instructed not to kill anybody. That they were never instructed to do any spying or getting any military information. (P.2258). That they studied secret writing to communicate among themselves as to where they would meet. That he knew nothing about handkerchiefs with addresses on them. That he knew nothing of any instructions given to the leader of the group as to communication with anybody. (P.2259). That after regaining his senses while in the school, he didn't like the idea of going back to the United States and doing sabotage. That this was after he got over the shock of his brother's death. That this was the second week of the school, and that he did not communicate it to anyone else, because he did not dare to do so. That Kerling was the leader of his group, and he followed his instructions. That he followed the instructions of Kappe while he was in school.

(P.2260). That before leaving, they found gold certificates in the money, and thought it would be awful if they used gold certificates as they might be apprehended.

(P.2260). That he was supposed to be William Thomas, born in Chicago, raised in Switzerland and came back to this country in 1927, and that from that point on, his story was to be his regular life's story. That Kappe told him to make up a story, and he made it up himself. He would always hope that something would come up to prevent him from going back to the United States, but (P.2261) after he signed the contract he thought he simply had to go on.

(P.2261). That on the submarine, he didn't like the idea, and the nearer he got to the United States, the more excited he got. (P.2261). That he did not discuss the matter on the submarine, but in New York Kerling showed me a line in the Mirror, a newspaper, which stated that the F.B.I. were looking for four men from a submarine on the Florida coast. Kerling said "Well, I think we had better forget the whole thing." That was on Tuesday morning, after we landed. That on leaving Florida he went to Cincinnati, where he met Kerling. They had been instructed (P.2262) to wait two or three months to get used to the country before doing anything. That neither he nor any other member of the group had done anything toward sabotage after he landed, except to bury the explosives, and had not discussed any plans.

(P.2263). That on the day he saw the item in the paper, he stayed close to the hotel. He was arrested at 11 or 11:30 at night and was not allowed to sleep. That Mr. Donegan asked me a question and then when he did not answer, Mr. Donegan pulled his hair and slapped his face. (P.2265). He did not tell the doctor about this because he thought it was no use.

(P.2267). That he did not tell the whole story at first because he thought he was the first to be arrested, and did not want to tell

the whole story, because it would be printed in the paper, and would be known in Germany if he was telling about the sabotage plan.

CROSS-EXAMINATION.

(P.2267). That Donegan slapped him a couple of times, and pulled his hair once. That he told Mr. Rice he had been mistreated, but not that he had been slapped or his hair pulled.

(P.2269). He was questioned from the time of his apprehension until 9 o'clock, but was allowed time-out for meals. That he was questioned all day, but the questioning was interrupted when he had his meals.

(2269). That he did not put everything in his statement that he told in the testimony. That he said in his statement he didn't tell Tony Cramer that he didn't come over on the submarine, because he didn't want to bring him into the trouble.

(P.2270). That he did tell Tony Cramer he had come over on a submarine, and that he went through a course in Germany before he came over, but did not tell him what kind of course. That he gave Cramer the money belt, telling him that there was money in it in the approximate sum of \$4,000.00, and asked him to keep it until he (witness), asked for it back again.

(P.2271). That he joined the Nazi party in 1939. That he was not quite sure whether he wanted to stay in the United States or go back to Germany, but thought it could not harm him if he were a member of the Nazi party. That he made his application to the German Consul and signed a pledge that he would be loyal to the party and Hitler. That he did not sign the pledge, and took it orally with his hand up, and said that he had to repeat it word for word.

(P.2272). He took out his first papers in 1937, but did not follow them up.

(P.2272). That he signed a contract in Germany with reference to the welfare of his family, in case he got hurt, or something, and that he did not know with whom the contract was. That he was not allowed to see the other signatures.

(P.2273). That he first saw Kappe at a meeting of the Friends of New Germany, in 1934 or 1935. That he did not talk with him in Chicago. That Dasch was not there at that meeting. That he went to a meeting of the bund in 1938 at Madison Square Garden, and that was the only time he attended a bund meeting after 1936.

(P.2274). That Dasch asked him in a saloon if he wanted to do something for the Fatherland, and go back to the United States. It was after war had been declared with America. He didn't think much of it again until he received a letter from Kappe. (P.2275). That he had met Kappe at a social meeting of the Ausland group in Berlin, where he went up to Kappe and mentioned having seen him in America. That Kappe did not remember him. He invited him to Kappe's table. Dasch was sitting there too, and they talked over general things about old times in America. That neither Kappe or Dasch at that time talked about doing something for the Fatherland. That he saw Kappe a week later.

(P.2276). That as a result of that evening, Dasch asked Kappe if he wanted to go back to the United States. That Dasch seemed to be very close to Kappe.

(P.2276). That after witness had agreed to go to the United States, Kappe told him he would have to go to school, but he thought maybe it meant going to the United States and doing some kind of propaganda, or something. That he never dreamed of sabotage. That he agreed to go to the United States although he did not know what the purpose was.

(P.2277). "he talked how nice it was some of us fellows could do something for Germany over there." That he heard of his brother's death a few days later, but at that time his letters had come back, already with a cross on, and at that time he was very much afraid his brother was dead, and only kept thinking about his brothers. He was not quite clear and sure about himself at that time.

(P.2278). That he kept on thinking about it for weeks and weeks, but after a couple of weeks, knew exactly what was what, but had already signed a contract and couldn't get out. (P.2279). "Well, I wouldn't say exactly I didn't know what I was doing. I wouldn't say that. But I was quite--I was dazed; I wasn't sure of myself at all."

(P.2279). That the uniforms issued to them were regular war cloth, like soldiers wear when they work. That they were told to wear them in order to get on the submarine so that no one would feel suspicious about civilians going on a submarine, and later they were told to wear them so that they would be treated as prisoners of war if they were captured while landing.

(P.2279). That they were instructed to blow up aluminum plants, or rather to get production or cripple production. That they said it could be done without hurting anybody. That he was never sure he really wanted to do any sabotage work.

(P.2281). That he meant Tony Cramer on the night of June 23rd, 1942. (P.2281). That he was nervous when he saw the gold certificates with the other money, because he thought that might lead to his arrest.

(P.2282). Kerling had shown him a line in The Mirror, saying that some men who had been saboteurs were arrested. That he did not tell the F.B.I. that. That he did not want to tell them exactly that he didn't want to go ahead with the sabotage work because he did not want it to leak out. That he did not, before being apprehended, make a decision to go to the F.B.I. and report the whole thing.

(P.2282). That while at the school the students did not talk over the sabotage plans together, but simply took instructions from Kappe and Barth.

(P.2283). That he organized a local group of the Friends of New Germany in Hammond, Indiana, in 1934, and was leader of that group.

(P.2283). That the statement in his statement to the F.B.I., he went to Germany to aid the war effort is not correct. That he figured if he went to Germany he could not come back and would have to work in a German factory and that such work would be aiding Germany in its war effort. (P.2284). That he was desirous of helping Germany by working in a German factory.

(P.2284). That Helmut Leiner is a friend of Kerlings, whom witness met in 1940. That when they came back to New York, Kerling tried to get in touch with Leiner. They saw Leiner and talked with him. (P.2285). That witness did not recall Kerling saying anything to Leiner about their trip. That Kerling did not want Leiner's father to see him because they knew he had been back to Germany in 1940.

(P.2286). That he asked Leiner to go to Cramer's address because "it is a German neighborhood there, and in Berlin we always were told to stay away from all Germans--we shouldn't have any connection at all with German people over here." That he was thus obeying orders received in Berlin in a way.

(P.2287). That he picked the name William Thomas in Berlin, and used that name in America to register in hotels. That he was not in the German army at any time, and was not assigned a number in the German Army while at the school.

DIRECT EXAMINATION:

(P.2289) That he never counted the money in the money belt, but believed it to be around \$4500.00 as the F.B.I. agents said most of the other belts contained that much money. That he did not know much about the details of the plan, but was following orders.

(P.2289). That in the Bund he organized, there were twenty or thirty members ; that was the only time he was the assistant leader of anything. He was only an ordinary workman in the plant where he worked. (P.2290). That he did not know what was in the contract the other men signed, and didn't know whether they were all like. That he had never used the word "instigation", and that somebody else must have put it in his F.B.I. statement.

RECROSS EXAMINATION:

(P.2292). That his contract referred to him as a V-man, or a man of trust.

EXAMINATION BY THE COMMISSION:

(P.2293). That he does not know what would have happened had he told Kappe he had changed his mind and would not carry out the plan, but supposed they would have interned him for disobeying orders.

TESTIMONY OF HERBERT HAUPT IN WITNESS'S

OWN BEHALF, RECALLED:

DIRECT EXAMINATION:

(P.2297). That he lived at 4444 Western Avenue from 1936 to 1939. That his mother left for Europe, and he and his father stayed at his Uncle Walter's. They then lived at Glencoe, and moved to Maywood. That they moved to the apartment on Vermont Street, one month before he left. That they had moved to Ainsley Street previous to the last move, and had lived there for about six months, but that Western Avenue was the last address he lived for a considerable period of time.

TESTIMONY OF WERNER EDWARD THIEL,

IN WITNESS'S OWN BEHALF, RECALLED:

DIRECT EXAMINATION:

(P. 2299). That he met Dasch on the way to Japan on a boat. That there were 42 or 45 Germans on the boat. That the Germans had some informal meetings and sang German songs; that some of the others were against Dasch because he did not take part in the singing, and they did not trust him. Some thought he was an F.B.I. agent, and he was always in arguments with some of the others.

CROSS-EXAMINATION:

(P.2300). They argued about politics, ways in Germany, etc.

(P.2301). That Dasch talked about the way people in conquered territories were treated. That he was not a Communist, in witness's opinion.

(P.2301). TESTIMONY OF EDWARD JOHN KERLING, ONE OF
THE ACCUSED, TESTIFYING IN HIS OWN
BEHALF.

(The rights of the accused were explained to him and he stated he wished to be sworn in as a witness and testify in his own behalf).

DIRECT EXAMINATION:

(P.2302). That he is 33 years old, and was born at Weisbaden, Biebrich.

(P.2303). That he came to America in 1939, and stayed until June or July of 1940. That he married a German girl by the name of Maria Sichert in 1931. That both he and his wife and always have been German citizens.

(P.2303). That on the night he was apprehended, around 10 o'clock, he was taken into another room about two or three o'clock in the morning. That at first he didn't give them the right answers, and they started to argue with him, and Donegan got mad. That he was so tired and shocked he couldn't keep his eyes open. That Donegan got mad and pulled his hair, and drew him down and tipped him over on his lap and took his hand and slapped his face. That he told the doctor later that Donegan hit him in the face, or something to that effect.

(P.2304). That afterwards, Donegan took him out and asked "Did I hit you?" in a tone that made witness think that if he said yes he would get a good beating. In order to get out of this, he said no, and so told the doctor.

(P.2304). That he was kept up all night that night, and about 9 or 10 o'clock the next morning, had about a half hour's sleep.

(P.2305). That the first information he gave was partly correct and partly incorrect. That the reason for the incorrect information was that he didn't want Thiel to think he had given it out. The next morning he knew Thiel had been questioned and was through, and he told them he would go to Florida and show them the boxes.

(P.2305). That he went to Florida with the F.B.I. agents, where they walked around on the beach trying to find the boxes. That he drank some water there which made him ill.

(P.2306). After he returned from Florida, he gave another statement.

(P.2307). That he didn't want to sign anything on the first night, and asked for a lawyer, but was not allowed to have one, and refused to sign any papers. That after he came back from Florida, he did sign various papers.

(P.2307). That they buried the boxes at night next to three tree stumps standing on a little hill, and palms all around, and measured the distance by walking to Ponte Vedra. That there was also a wire fence going out to a street. That when he came down with the F.B.I. agents, they parked right where it was, but he didn't recognize it for some time, and walked up and down.

(P.2308). That the wording and phrasing of the statements of

June 28 and July 3rd was a condensation of questioning which took place, partly on the way to Florida, and partly on the way back; there are some errors in it, and some of it is left out. That he could not have given Basch the address of his wife because he did not know where she was.

(P.2309). That after coming to America in 1939, he returned to Germany in 1933 and 1936 for short visits. That he became a member of the Nazi party in 1938, and belongs to the Old Guard which is composed of the first 100,000 of the party membership. That his number was approximately 70,000.

(P.2310). That he was never a member of any Bund in this country.

(P.2310). That he had some misunderstanding with his wife before he left America, but it was cleared up when he arranged for her to come to Germany. She did not want to do this, and suggested that he get a divorce and marry Eddy Engemann. That before he left, he became friendly with his wife, but was advised later, through consuls that they had offered her passage but she wouldn't go to Germany.

(P.2311). He and his wife worked together as domestics in this country.

(P.2311). That when war broke out in Europe he tried to get home on a ship, but was unable to do so, so he bought a boat with Hermann Neubauer and a few others. That the statements of Neubauer about the boat episode were correct except that the fingerprinting by the F.B.I. was voluntary on the part of all persons.

(P.2312). That he lost his job when war broke out, and also felt it wouldn't look any too good for him to be in a safe country when there was a war going on, so he tried to get home. That Mr. Armstrong, his employer, at that time advised him to go home.

(P.2313). That he never worked for anyone who was making supplies for the Army.

(P.2313). That he went to Germany through Italy. That there was an opening for him in the Army in France. That he did not get into the Army, but was working for the Army at the listening post on the French Coast, in a civilian capacity, but classed as a lieutenant.

(P.2314). That after working there for about three months, he went back to Berlin and received a position as referent in the Propaganda Ministry. That his work consisted of managing stage shows, etc.

(P.2314). That in March, Kappe came to his office. He had never seen Kappe but knew who he was. He talked about two hours, first about his work. That there was one group in the Propaganda Ministry that had great influence and ridiculed everything that came up in the United States. That witness and a few others warned them and tried to get some other fellows in there who knew the States better than they did, in order to bring that under a better basis. As a result of this, witness was called down for being pro-American.

(P.2316). Kappe then wanted to know if witness wanted to go back to American, and he answered in the affirmative. That Kappe seemed quite informed about him.

(P.2317). That one day later on, Kappe came and asked if he wanted to go on a military mission to America, and witness said "yes". This was some time in March. That Kappe said it was some thing like the British were doing, you get on and then get off again; a regular military mission.

(P.2317). "I couldn't say 'No' then, because I was sitting in a position if I said 'No' he could go and say, 'Well, he is a coward.'"

(P.2318). Witness could not say "no" to Kappe's proposition, because it would make him look like a coward, staying in a place where he could earn money, while others were fighting. That he wanted to do his duty as a German. That witness assumed that the work was to be in the nature of a "commando" raid. (P.2319). That Kappe later told him that he had to go to a school, whereupon witness wasn't any too anxious about the matter.

(P.2320). That he tried to get out of going to school by being called up by the regular army, but Kappe had that recalled, and they sent an order to his office that they let him go. That if he had said "no", it would have been treason.

(P.2320). That Zuber and Neubauer had been in the army, Neubauer being a private. (P.2321). That around the middle of the course, he told Kappe that the school was useless because none of the men talked good English, and some were mentally unfit. That to this, Kappe agreed to take Zuber and one other person out, and stated that the others were all right.

(P.2321). That the question of persons being harmed came up several times, to which all agreed that it would be harmful to the group if anyone were hurt.

(P.2322). That they received instructions in Jujitsu for their own pleasure, but not for harming others.

(P.2323). That they were not instructed to obtain any military information, but were instructed to the contrary, as they had someone else to do that.

(P.2323). That Kappe tried to give them a radio and train someone to use it, but that plan was abandoned. That an address in Portugal was given them by Kappe. That this address was to be used in case witness changed his address in America, in which he was to inform Kappe, through Portugal. That he was to communicate nothing else through Portugal, and that he and Dasch were the only ones who were given the Portugal address. That he and Dasch were the only ones given matches for secret writing, to Portugal.

(P.2325). That the writing in secret ink was to be confined to the group themselves.

(P.2326). That witness did not think that Burger would go through with the plan. That he did not find until he got to school that he would not wear a uniform, or shortly before that.

(P.2326). That in Lorient there was a row over the gold certificates and witness told Kappe he did not want to risk going through with the plan. Kappe told him he could not get out then.

(P.2327). That he was ordered to go through with the plan. That he wanted to come to America because his wife was sick, and needed an operation, and did not have any money; and he was sure it would not succeed, first because Dasch was not any too sure, and secondly, because Burger was quite sure he would not go through and witness knew Burger only wanted a reason to get out; third, that none of them talked English well enough to go around as an American. That he knew the mission was a dangerous one, and was quite sure, and hoped he would find another way out. That he could have come here and tried to hide for a few weeks or months and then slip into Mexico and get out through Chile or Argentine.

(P.2328). That he knew the punishment given to Englishman caught not in uniform in Germany or Occupied France, and that such persons were not put to death.

(P.2329). That they knew on the submarine that the other group would get caught, because Dasch and Burger were just opposite characters from the other two. That he mentioned to the others that he hoped the first group could not trip them off.

(P.2329). He heard that Mexico had entered the War, on the submarine, and that gas rationing was in effect, and remarked that that development left them out.

(P.2330). That they had intended using an automobile, but it would be impossible for them to register with gas. That Haupt was in a rush to get home to Chicago.

(P.2330). That he knew Neubauer had some doubts. That he had not dared talk to Neubauer freely on the submarine, but that in Florida, Neubauer said it was impossible. That general nervousness and observation of plants made them feel that it was impossible and hopeless.

(P.2331). That he had planned to go to Chicago on July 6th, and told Neubauer to feel out Haupt and they would discuss what to do at the meeting. That they had not planned any sabotage before that time, as it had been given up, and he hoped that Neubauer would convince Haupt that the best thing to do was to get out. That he was not sure about Thiel, but thought Thiel would do as witness instructed him to do. That an indefinite time of from three to six months was set before they were to begin sabotage. That at no time had he made any definite plans for any definite sabotage.

(P.2332). That a friend told him where Hedy Engermann was, and he asked her to find him an apartment. That he wanted her to go to Chicago with him, but she could not go.

CROSS-EXAMINATION:

(P.2333). That agent Donegan slapped him in the presence of Drayton. (P.2335). That he did not remonstrate, but later told the doctor that an Agent had punched him. (P.2337). That Donegan punched him because he would not give an answer to Donegan's question. (P.2337). That he signed two statements. That he looked over the statement of June 28th, but not carefully, and he signed it because he was quite weak and sick, and didn't look what he signed. That he knew about what it was, but did not know for what purpose it was taken nor that it would be used against him. (ON detail questioning, witness stated that he made corrections on numerous occasions).

(P.2340). That some things were missing from the statement. That the statement that he had not been a party member was untrue. (P.2341). That he signed the second statement on June 30th, and read it more carefully, because it was pointed out to him that it would be used in court. That although the first statement says "I make the same freely and voluntary knowing that it can be used against me if necessary." It didn't say anything about the court. (P.2342). That the second statement states "I know that it may be used subsequently in a court of law." That he had an idea that the first statement would be used for the newspaper.

(P.2343). That he was a Nazi party member from 1928 until the present time. That he is a loyal German. That at the time he became a member in 1928, his parents had been thrown out of occupied territories, losing everything they had. At this time he was afraid of the Communists, and the Nazi party was only one of 42 different parties. (P.2345). That he had been a member of the party for a few months, when he left. That he kept being a member by having friends paying his dues, which kept on until

1933. That he paid his dues through the German Consulate. That he was only in Germany for a few weeks--few months, until 1940, and came back in August, 1941. That he had not gone into party politics but knew how the thing worked.

(P.2346). That he was not in favor with the Gestapo, and knew of newer members who were against him. (P.2346) That he had nothing to do with the party, no position in it, and no real connection with it.

(P.2348). "I can say I have tried to be a loyal Party member till I got into this thing, but when they used me --used their power they held over me through that, I doubt my loyalty."

(P.2348). That he went to Germany several times before the last trip, and did not wear the uniform in Germany on those trips. That the first job he got on his last trip was in a listening post in Deauville, France, a few days after he landed. That he went over on the German passport and his job was arranged through the foreign office. He called on the party office as it was their duty to help him get a job. (P.2350) That he tried to get a job to help himself as he had no money and had to find work. That he left America on his employer's advice. (P.2350). He would not say he had a commission in the Army, but was classed as such for pay purposes, and that his job was operated as a branch of the Army and Air Corps.

(P.2351). That he did not know whether the paper he had signed at the school stated that he was a soldier or W-man. (P.2351). That he belonged to the labor front in Germany, having joined it in 1936-1937.

(P.2352). That he met Kappe in March of this year, never having seen him before. That he had heard of Kappe. That Kappe seemed to know a good deal about him. That he was making 450 to 500 marks at his listening post job. (P.2353). That he did not sign a contract like the others, because he was not in the army; that he was working for the propaganda ministry and when called up for military service any place in the Army they keep up paying wages, but there was a provision made that his wife would get a certain amount of money, about 300 marks, if his office does not pay.

(P.2355). Kappe asked if he wanted to go back to America some day, and witness answered yes. That later Kappe asked if he would like to go on a military mission in the United States like the British do in France, and that witness said yes. That he hoped it was just conversation, and was lying to Kappe. That the listening post where he worked belonged to Richthofen of the Air Corps. That the listening post was given up, and he went to Berlin and was in the Propaganda Ministry. (P.2356). That when Kappe's plan got to a stage where he thought he had better get out, he talked to Schmidtdecker, his superior in the Propaganda Ministry about getting out.

(P.2357). That he told his superior that he was not sure what kind of a mission it was, but didn't think much of it. That his superior stated he would try and get him a regular army requisition. That the order came to report to the Air Corps again; when he informed Kappe of this, Kappe said he would stop it.

(P.2358). That Kappe did stop it. That he made no other attempt to get out until he got to school, and he told them he didn't think very much about the whole thing. That he told Scotty he didn't think much of Dasch.

(P.2359). That Kappe had a letter about Burger. Kappe told witness he had checked on Burger and thought he was all right

(P.2360.) He had not asked whether Kappe had checked up on the others.
(P.2361.) That of Zuber, he asked how Kappe could send a man who could not talk English and has been held on Ellis Island.

(P.2362.) That they were not told specifically to blow up Hell Gate Bridge; that they were told to keep their hands off bridges.

(P.2364.) That they were instructed to go after railroads, blowing up freight train tracks, putting abrasives into hot boxes and slow down freight delivery. That they were instructed to do this without hurting anyone.

(P.2365.) That he put the secret writing on his handkerchief, with the help of a chemist who mixed a fluid, and the address given by Kappe. That he had previously given Kappe the name of a friend of his, but made no suggestion about the name on the handkerchief. That he had the address of Basch so that if he lost Basch he could catch up with him again at that address. That the other name was one to whom they could go if they needed help, but that they were warned not to. That that person was an agent over here.

(P.2366.) That the Lisbon address was one through which they could get in touch with Kappe, in event of a change of address. That Kappe first advised him to get someone on the radio, but they were against it, and then later Kappe gave them the Lisbon address, and said "Maybe you will want to communicate with us."

(P.2367.) That the handkerchief was given to them at the end of their vacation.

(P.2367.) That the train from Paris to Lorient was mixed between civilians and soldiers, but that there were no soldiers in their compartment.

(P.2368.) That he gave Haupt part of the money because he had too much on hand, and he was not sure of Haupt, and that he would rather have Haupt with money than without. That he was afraid that if Haupt had no money, he would try to give Kerling up and get some money. He did not want to be given up then. That he had not made up his mind what he was going to do at that time.

(P.2369.) That when they buried the boxes, they did so quickly and got away.

(P.2369.) He had a cap on and a bathing trunk and a coat when he landed. That the cap was a military cap, like the one that had been introduced in evidence. He thought he had thrown his back in the boat, but later found it buried with the others. That he wore mostly bathing trunks on the submarine, but otherwise, he wore old pants. That he wore the fatigue clothes going to the boat in Lorient, and getting off. That the other boys wore the same kind of clothing that they obtained in Berlin from the Army or Marine.

(P.2370.) That he registered at the Commodore Hotel in New York, under the name of Edward Kelly, which was the name advised by Basch as a part of the plan. That he used the same name at the Seminole Hotel in Jacksonville. That Neubauer was with him when he registered at the Commodore Hotel, but did not register. That it was Thiel who was with him in New York, who registered under the name Thomas, being the name given him in Germany by Kappe and Basch.

(P.2371.) That he met Tony Cramer, a friend of Thiel's on June 23rd. (P.2372.) That he saw Eddy Engermann Monday noon for a few minutes. He did not come back to get a divorce, but wanted to help his wife, who had

had an operation and was sick. His wife had little money at the time he left to go to Germany.

(P.2372). That Krepper was a name given to him by Kappe to get in touch with him if he needed help. That he never saw Krepper.

(P.2373). That he tried to see Lassa, who was a friend of mine, but did not do so.

(P.2373). It was obvious that Burger was not going through with the plan. That he had been in a concentration camp and did not appear over there to care much for the whole thing. That he had the feeling from the beginning of the school that Burger would not go through with it. That in Paris, Burger had declared how careless the others were.

(P.2374). Anyone who knows Dasch would have his doubts of him. He acted disinterestedly, talked of getting over there and seeing. That Kappe said Dasch was all right.

(P.2375). That he mentioned the possibility of coming back through Mexico, to Neubauer on the submarine. That they heard there was a gas shortage and had to register for gas. It was mentioned both on the East coast, and through the entire country.

(P.2376). That they were instructed to enlist recruits, although they were given no names.

(P.2376). That when arrested, he was waiting for his wife. That he was not looking for a hideout, where explosives could be brought, but was looking for a place where he could stay. He never intended getting the explosives from Florida, and made no plans to that effect. (P.2377). That after reading that the F.B.I. were looking for Germans coming off a submarine in Florida, he told Thiel he would have to leave the boxes. That he had previously decided not to go back anymore, and thought he might go and see if they were buried so they could be left, but had not made any plans to that effect. That he had not talked to any girl about going down to get them, but had mentioned to Hedy Engermann if she would go on a trip with him. He did not say anything about the explosives to Hedy Engermann, and did not tell her the reason for his being here.

(P.2378). That he did not plan to marry her after he divorced his wife, because he was not going to divorce his wife, although his wife wanted him to marry Hedy Engermann.

(P.2378). That Exhibit P-261 is a photographic copy of his registration at the Commodore Hotel, and showed an address in Hammond, Indiana, which he had just made up. That Exhibit P-262 is a photograph of his registration at the Hotel Seminole, which shows an address at Astoria, N.Y., which is also false. (P.2380). That this was the address shown on his registration card Dasch gave him.

(P.2380). That he had given up the plan when he landed in Florida. That his statement of June 28th is not correct, and that points are left out and points phrased not exactly the way he told the F.B.I.

(P.2381). That the statement on page 9 of his statement of June 28th, to the effect that at the time of landing he intended to follow instructions, but in the course of his stay came to the conclusion that his orders were made impossible to fulfil as the means of transportation were too insecure, was not a correct statement.

(P.2383). That he did not wear the Nazi party uniform on any of his trips to Germany prior to the last one.

(P.2384). When Kappe gave him the address of Froehling in Chicago, he first thought the address was given by Haupt, now thinks it was given by Kappe. (P.2385). That he looked in the telephone book for Krepper while passing through Newark, but had no intention of seeing him. He had an idea that this might be the Protestant minister who was reported in the newspaper to have been arrested.

(P.2386) That he had not at that time developed the handkerchief to find the exact address, and didn't know where it was. That Kappe had told him he had not heard from Krepper for a long time. (P.2387). He saw Hedy Kangerman in Central Park on Monday afternoon. He tried first to make her believe he came from Mexico, and then she mentioned he came on a submarine, to which he answered neither yes or no. That he did not mention to her that Hermann Neubauer was in the United States; she just guessed he came on the submarine, and he did not deny it. (P.2388). He asked her if she wanted to come with him to Cincinnati and Chicago, and how she would like to go to Florida.

(P.2389). That he knows a girl named Miriam Adams, having met her in 1938. She was a friend of his to whom she wrote some time. That Exhibit P-363 is a letter he wrote to Miss Adams (Miriam Adams), dated December 22, 1940. (P.2393). That the letter was written in Berlin with a return address of Wiesbaden, on December 22, 1940. That at time, he tried to be a loyal Nazi.

(P.2395). That Exhibit P-364 is a letter written by witness to Miriam Adams. (P.2399). The letter is dated November 25th, 1941, from Berlin, carrying a return address of Day, Hamburger Street 48. Mrs. Day is an American woman living over there, with whom he boarded. (P.2401). That he lived with her for about 6 months, and when war broke out, and she had to register, he helped her out by vouching for her and supporting her with money.

(P.2401). That Exhibit P-365 is another letter written by him to Miriam Adams on June 4th, 1940, from Washington, D. C. (P.2402). That this was on his return from Florida, while going through Washington. That this was after he had sold his boat.

(P.2405). An excerpt read by the Attorney General from a letter giving a report as to what had occurred in reference to his investigation by the F.B.I. written by him in 1939, to Dr. Cragger. (P.2407) He thought the German Consul should know about the matter therein contained.

(P.2408). That he paid his party dues at the consulate office.

REDIRECT EXAMINATION:

(P.2412). That in addition to helping Mrs. Day, who was an American citizen, he also vouched for another man who had gone on the boat with him when he left in 1936. That man was held by the Gestapo.

(P.2413). That at the time of writing the two letters to Miriam Adams from Berlin, he was working for the Propaganda Ministry, and they were written before America entered the war.

(P.2413). That each man signed some papers at the school individually, and he does not know what any body else signed.

(P.2415). That he did not wear a uniform on visits to Germany in 1933 and 1936, although he did wear one in 1938 when he became a member of the Party. That while working for the Propaganda Ministry, he wore a uniform of that office. That on the submarine he wore fatigue clothes, a work outfit for the navy.

(P.2413). That he learned of his wife's illness from Mrs Neubauer last spring or summer. (P.2414). That while working for the Propaganda Ministry, he received a salary of about 600 marks a month.

(P.2414). That he was not sure of Haupt, and did not want him to give them up before he could talk to him.

EXAMINATION BY THE COMMISSION:

(P.2416). That he tried out of coming to the United States on this mission as he preferred to be a soldier of Germany in the official army. That he did not consider it his duty to come to America. That he did not state to Kappe that he wanted to come, but could not very well refuse. He would have then been in difficulties. That the matter did not look so serious then.

(P.2417). That he still insists that he is a loyal German.

(P.2417). That he had noticed a few stumps around the spot where he buried the money. That these stumps were mentioned, one of the party saying "There are three nice palm trees; we will remember it by them."

(P.2418). That prior to coming to the United States, he had not served in the German Army. That he had not served in the German Army, but worked for the German Army as a civilian, ranking as a lieutenant, and paid accordingly, and treated accordingly. That he never had military service with the German Army. That he did not serve in the German Army before coming to America, because he was too young, and they only had an army of 18,000 men. That on his visit back to Germany (P.2419), his army service was not checked.

(P.2419). They all put their savings together to buy the boat.

(P.2420). That he had about 1000 or 1500 marks deposited in Germany.

(P.2420). That at the time of his last return to Germany, he considered that he should go back and help Germany as a loyal German.

RE-CROSS EXAMINATION:

(P.2420). That he did not buy any Reichwandlerer marks in America, but had bought a few bonds in 1937, and converted them in Germany and deposited the money in Germany. (P.2421).

(P.2421). TESTIMONY OF HEINRICH HARM HEINCK, ONE OF THE
ACCUSED, TESTIFYING IN HIS OWN BEHALF:

(P.2431). (The rights of the accused were explained to him, and he elected to take the stand in his own behalf.)

(P.2433). That witness is thirty-five years old, was born in Hamburg, Germany, and came to the United States in 1926 at the age of eighteen years, staying here thirteen years, and going back in 1939.

(P.2434). While in America he was a tool and die maker, working at various places.

(P.2434). That he is married and his wife is in South Germany. That they have a boy one and a half years old.

(P.2434). That he returned to Germany in March or April of 1939. That they were talking of getting rid of all non-citizens who had jobs in the factory where he was working. (P.2435). He went back to Germany to come in the right way with papers; that when he was eighteen years old,

he jumped a German boat, and had been here thirteen years without any papers, coming in and staying here illegally. That one of his purposes in returning was to come back legally. That his other reason, that his wife wanted to see her parents.

(P.2425). That his way back to Germany was paid by the German consul to the extent of one-half fare. That nothing was said about paying this back. (P.2426). That he intended to work over there if he could get a job.

(P.2426). That he had been a member of the Bund here for a little over a year. (P.2426). That on arrival in Germany in April of 1939, he went to work in an automobile factory, and worked until he went to school. That during that time, he made an attempt to return to America, about three or four months after he got there. (P.2427). That he went to the Ausland Organization and they told him it was impossible to come back. That he wanted to come back because he didn't like it over there.

(P.2428). That at a meeting of the Ausland Organization, Kappe spoke and after that meeting a fellow by the name of Kurt Lass came up to witness and asked him if he wanted to go back to America, and witness told him he would go right away. Lass told him about stopping production of the American factories. Lass said he was going to talk to Quirin also, who worked at the same factory.

(P.2429). That he had never known Quirin in America. That the next day he told Quirin about it, and Quirin said he would go.

(P.2429). That about a month later, he got a letter from Kappe, telling him to go to school at the farm. He knew then what he was expected to do in America, and learned how to slow down production at the school.

(P.2430). The main job was aluminum factories over here.

(P.2430). That they were instructed to hurt no one so as not to arouse the American people. They were not instructed to get military information or report military information to Germany. That they were taught secret writing for communication between themselves, but were not instructed to ever use it to communicate with Germany. He knew nothing about the handkerchief, nor the matches or secret ink, nor about the address in Lisbon. (P.2432). That they were instructed to rest or get used to the country for about three months to six months. That he never told anyone the opinion of the plan in Germany, but that he never had any intention of going through with it. That he made no effort to get out of the plan, because he wanted to come back to America.

(P.2432). That the first statement given to the F.B.I. was not correct, because he protected all the other fellows. That he corrected all that in his second statement. That the part of his second statement about giving the money to Busch is wrong, because he was protecting a friend of his. That he told the F.B.I. he never wanted to go through with the plan, but did not tell them he never intended to do so.

(P.2434). After landing, he and Quirin talked the matter over. That he first talked with Quirin about getting out of the plan at the Martinique hotel. That they were not exactly sure what they were going to do, but intended to get a job and to lose all connection with the others.

(P.2435). That he is a member of the Nazi party. That he applied, when he was over here, and became a member when he got back to Germany.

CROSS-EXAMINATION:

(P.2435). That he never applied for citizenship in America because

he was here illegally. That he had trouble getting a passport back to Germany and they had to identify him. (P.2436). That when he first went over, he intended to live in Germany. That he wanted to see how it was over there, and see if the propaganda he had heard was correct. His wife went with him, and she did not intend to come back. (P.2437). That he first met Kappe in America, seeing him four or five times.

(P.2438). That he did not think he could find his way back to the spot where the explosives were buried.

(P.2439). That when Laas first came to him, he asked him if he would like to go back to America, and witness answered yes. That Laas then said "Kappe is looking for some fellows to do some sabotage work over there or slow production in the factories". Witness then agreed to go. (P.2440). That the letter he received, instructing him to go to a farm, had the name "Evahr", at the head, which means defense.

(P.2441). That on receiving the letter, he went to the personnel office, showed them the letter, and did so so they could give him permission to leave the plant.

(P.2441). He was never in the army, but was working for a private factory.

(P.2443). That he told his boss he wanted to go to the school.

(P.2443). That he wore one of the naval uniforms in the submarine and changed it when he landed, putting on his civilian clothes. That the uniforms were issued in Berlin at a public school belonging to the marine division, which operated as one of their offices. (P.2444). That they were instructed there would be guards on the beach, and were told to wear their uniforms and then changed them so that if they got caught they would be prisoners of war.

(P.2444). That it was planned by Kappe that they bury the explosives and buy a farm or other place of business where they could keep them. Neither agreed or objected to the plan. (P.2445). That they registered at the Hotel Martinique under the name of Henry Kayner, which was the name given to him by Dempsey in Berlin. That this was the name he had planned to use, which was the one on his papers, the false registration card and the false social security card. He gave an address in Albany on State Street, which was suggested by Quirin.

(P.2446). He registered under the name of Henry Kayner at 149 West 76th Street. He gave an address of Albany, New York. That Quirin registered under the name of Richard Quintas, from Albany. Quintas was the name that had been given him in Germany to use here. (P.2447). That he heard Quintas talk about Dasch, running out on them, and had an idea that Dasch would do so. That this was just a hunch.

(P.2448). That when Dasch said to the Coast Guard man that he was going to report it in Washington, that the Coast Guard man would hear from him from Washington, he became suspicious of Dasch.

(P.2451). That Quintas said to him that witness was not living up to orders received in Germany. That they talked about it at different times.

(P.2451). That he and Quirin went to Burger's room on Friday night; that he opened the drawer and pulled out two letters, one of which was a hotel bill, but (P.2452), he does not remember what was in the other letter, but that it was from Dasch. That Quirin never talked to him about it afterwards.

(P.2453). That his statement with reference to asking how he could return to Germany in case of a nervous breakdown or sickness in the family, is correct.

(P.2454). That he was in the Bund in 1935, or 1934, and wore a uniform. That he left the Bund in 1936 and joined the D.A.V., which is the labor front in Germany. That he joined in New York City to be in good standing with the Nazi government (party). That on arriving in Germany, he reported to the German Labor Front, and was given a job. That he joined the Nazi party and was a member all the time he was in Germany.

REDIRECT EXAMINATION:

(P.2456). That he did not tell anyone at the school that he just intended to come to America.

EXAMINATION BY THE COMMISSION:

(P.2457). That he was anxious to return to America because he liked the liberty of this country. That his wife would like to return right away.

(P.2458). That he told them in Germany that nobody ever gets shot over here because of sabotage work.

REDIRECT EXAMINATION:

(P.2459). That he left his wife, because he had no way of bringing her, but hoped to do so through friends, because she had her first papers. That if they knew in Germany that he had talked here, something would happen to his wife.

(P.2459). TESTIMONY OF RICHARD QUIRIN, ONE OF THE ACCUSED, TESTIFYING IN HIS OWN BEHALF.

(The rights of the accused were explained to him, and he elected to take the stand in his own behalf.)

DIRECT EXAMINATION:

(P.2461). That he was born in Berlin on April 26, 1908, taking his mother's name, as he did not know his father's name. That at the age of two years, his mother left him in the care of friends. That he lived in Germany for nineteen years, coming to this country in 1927. That he married in 1936, and have one child, one and three-quarters years old. That his wife and child are with his parents-in-law in Bavaria, Germany.

(P.2462). That while in America, he was a mechanic and tool maker, and also worked as a painter and chauffeur.

(P.2462). That he returned to Germany the last time in 1939, not having been there since 1926. That his wife was a German also. That he took out his first papers but did not know whether his wife did so. That he took out his first papers in either the first or second year he was in this country.

(P.2463). That just before leaving for Germany in 1939, he was chauffeur to Mr. Rauch. That his wife was ill, and he and his employer decided it was mostly homesickness.

(P.2463). That in America he belonged to the Friends of New Germany in 1933. That he joined the Nazi party.

(P.2464). That he was a member of the Friends of New Germany for a year, and after being advised by the consul that he should not belong to that

organization because he was not a citizen, he withdrew.

(P.2464). That his passage to Germany was paid by the German Consulate, and that his wife went ahead of him, he paying her passage.

(P.2464). That on arrival in Germany, he talked to members of the German Labor Front and got a job. He worked at this job until he went to the school. That he met Heinck on this job, and knew none of the others before the school.

(P.2465). That at a social meeting, Kappe made a speech. The next thing he met Heinck who told him that he had heard they could go to America on some mission. That Heinck did not tell him what the mission was, but that he was interested, and told Heinck that he should go ahead. That later Heinck showed him a letter which had his (Girvin's) name on it, instructing them to go to a certain place in Brandenburg. Heinck went to the office and asked for leave, which was subsequently given.

(P.2468). That he knew it was some kind of work in America, but was more interested in getting to America than the work he was supposed to do there. That it was after he arrived at the farm that they were told that the purpose of the trip was to do sabotage. That they were instructed by Kappe to hinder production by cutting down power lines, etc. That they were not told to get any information in America and send it back to Germany.

(P.2469). That they were instructed in secret ink with which they would write to one another in case they wanted to meet. That witness remarked that this procedure was silly, and that he was never going to use it. That he knew nothing about the handkerchiefs or any addresses on them, or any address in Lisbon. That he was not instructed to communicate with anybody outside of his group, or with Lisbon. (P.2470). That he was not instructed in radio, and knew nothing about the matches.

(P.2470). That on landing here, he was very scared. That on the next day Henry told him that George had said they were not going to get the boxes and Henry said "I think the job is over now", and from that time, they started to talk about having hopes that it was all over, and that they were not going to do anything anyway.

(P.2471). That he was uncertain about the plan during the school, and was afraid of the explosives, and felt sure he could never do anything like planned.

(P.2471). That he told his brother-in-law he was going to America, but did not tell his wife.

(P.2472). That as they were to take three to six months before doing anything, he had planned on seeing his former employer and getting advice from him, as to how to get in right with the law.

(P.2472). That Burger had told him his job was to look out for Heinck, but that the only thing he heard about being assistant to anything.

(P.2473). That the first statement he gave to the F.B.I. was not correct because he was afraid it would all come out in the papers, and he was afraid it might hurt his family over in Germany.

CROSS-EXAMINATION:

(P. 2474). That he made two statements to the F.B.I., the first of which is incorrect, and the second is mostly correct. That he made three statements to the F.B.I., the last being something he remembered afterwards and added.

(P.2475). That Dasch was active in getting up in a group, and seemed to be intimate with Kappe and Reinhold Barth.

(P.2476). That he was not forced to go to the Camp. The first thing he heard of the camp was when he saw the letter that Henry had received telling them to go to the farm. That he had heard before when Kappe was there that he would have a chance to go to America and do some kind of work there. (P.2476). That he did know that the work was to prevent production.

(P.2476). That he was a member of the Nazi party in Germany. "Q. You were a loyal Nazi, weren't you?" "A. Well, I suppose so. I had no active work in it. I was just paying my dues, that's all." That Kappe paid his dues voluntarily. "Q. Were you a loyal Nazi?" "A. I think so". "Q. Are you now?" "A. I think so". "Q. You are a loyal German, aren't you?" "A. Yes, sir."

(P.2477). That he had never intended to do any sabotage so that there was no change of mind on his part. That he had not planned to give himself up to the F.B.I., but he had not made up his mind as to just what he was going to do. That if Dasch had told him what he was planning to do, he would have gladly sided with him.

(P.2478). That he does not know whether he intended doing something for the Fatherland, as Kappe told him. That he wanted to help the Fatherland, but he doesn't know whether he was going through with all that. That his main objective was coming to America, and that he was playing up to be just what they wanted him to be, in trying to make up his mind when he was over here. That they told him after the war that he would receive a good job.

(P.2480). That he did not understand that the leader of each group was to correspond with Germany.

(P.2482). That after the meeting at Grant's Tomb, Henry said that the job was over since they didn't have to go back for the boxes. That George said it was too dangerous to get them, or something like that. That witness thought it was too dangerous to get the boxes, and did not want to go near the place.

(P.2481). That he was issued a false registration certificate and a social security card, and given a story and a certain name to be used over here. That that name was Quintas. That he registered under that name at the Martinique Hotel. That he gave an address in Schenectady.

(P.2483). That he never at any time wanted to take over command of the group, nor did he say so. (P.2483). That he was a member of the Friends of New Germany in 1939, and wore a uniform at all meetings.

(P.2484). That he bought Reichsmark marks at the bank in 1939. That he bought \$500.00 worth. That it was understood at the time that if you did buy Reichsmark marks, you cannot take out a re-entry permit, and after I had bought marks, they told me they could not give me a re-entry permit. That the marks were credited to him in Germany on the understanding that he would stay in Germany.

(P.2485). That the statement in his second statement that he was not forced to come to the United States, but volunteered, is correct. That the statement that he volunteered after he became acquainted with it, that he knew that he was working for the benefit of the German government in the war, by doing what he could in the United States to hinder production of war supplies and material is correct. That the statement that at the time he was in school in Germany and at the time he boarded the submarine it was his intention to come to the United States to do this work, and that if he had not been apprehended it is possible that he would have carried out

his instructions, was made by him. That he had doubts in his mind on the submarine. That he feared it might come out in the papers and didn't dare say anything else to the F. B. I. That the statement was not true.

(P.2487). That the statement that he did not feel himself different from any other soldier and felt that it was his duty to do something for the fatherland, being a German citizen, and loyal to Germany, was an untrue statement.

REDIRECT EXAMINATION:

(P.2487). That it was suggested that he take care of Henry and see that he behaves himself. (P.2488). That at the time his wife returned to Germany, she went to the bank, and bought the Reichswanderer marks, and that after that it was explained to him that he could not buy travelers checks, and he could not get a re-entry permit.

EXAMINATION BY THE COMMISSION:

(P.2489). That the instructions to wait three to six months indicated a trust in them. That they were supposed to follow the orders of the leader in everything. That if he did not obey the leader, nothing would probably happen to him, but if it were reported in Germany, the family would probably not be paid any more. That Kappe said that if anybody got cold feet, he would be put somewhere on a farm, or be brought away to rest up. That there were no threats ever made to him by any other member of the group. That he made no threats against anyone else.

(P.2491). That he had not made up his mind, but wanted to see what his former employer would say about it. He had not made up his mind the week they were in New York, but was trying to do so. That he does not know what he would have done with the money.

(P.2491). That he felt some obligation to the German government since it was supporting him. That he did not communicate with Mr. Rauch because he could not make up his mind what to do.

(P.2493). That the purpose of the three to six month period was to get acquainted with the country.

(P.2493) That according to his understanding, you could withdraw from the plan if you felt you could not go through with it.

RECROSS EXAMINATION:

(P.2494). That he spent \$500 or \$600.00.

EXAMINATION BY THE COMMISSION:

(P.2494). That Dasch was his leader. That he obeyed all his orders. That he would not obey his orders to spy in this country. That he was not sure whether he would have obeyed his orders to commit sabotage.

(P.2495). That Kappe was an army officer, and was, to his knowledge, the boss of the outfit, and he gave orders to Dasch, and witness was to obey Dasch's orders. That he had not received any orders from Dasch so he cannot say when he stopped obeying them.

(P.2495). That he realized the seriousness of the mission as soon as he landed.

(P.2500). (At this point, statement of Col. H.F. Kramer, in reference to a telephone conversation was read into the records. The statement was marked Defendant's Exhibit F).

TESTIMONY OF GEORGE JOHN DASCH
ONE OF THE ACCUSED TESTIFYING
IN HIS OWN BEHALF

DIRECT EXAMINATION

(P.2501). The rights of the accused were explained to him and he elected to be sworn as a witness to testify in his own behalf.

(P.2503). The witness is thirty-nine years old born in Germany on February 7, 1903 in Speyer, Germany. He entered the United States as a stowaway on October 11, 1922. That on or about October 19, 1923 he went to the Barge Office to find out how he could correct his illegal entry.

(P.2504). He made application for naturalization papers but did not complete them because when he made application for his final papers in 1939 he was given a number and left the country before the number was called up.

(P.2505). In 1939 his mother had visited him and told him that conditions in Germany were in good shape.

(P.2506). That when war broke out in Germany, he thought that may be his mother was right and he would return and find out.

(P.2506). That he has never been a member of any German Organization socially or politically.

(P.2506). That prior to his mother's visit in 1939 he has been opposed to Hitlerism and Nazism. (P.2507). That the trip to Germany was to find out the conditions there. He is glad he went there. That when he got to Germany he found that he had been right to begin with, and that the information his mother had given him was inaccurate.

(P.2508). That his brother went to Germany in 1936 and after his return he praised Hitler and Germany. That on our witness' remonstrance the brother ordered him from the house.

(P.2508). That he left New York on March 22, 1941 and that the German Government paid his fare and he agreed to pay it back.

(P.2509). That while on the boat he met forty or forty-one other Germans including Werner Thiel. That he was isolated from the others because most of them knew each other. (2510) That after they left Honolulu the others started to raving about Hitler and singing songs in which he did not join. That they therefore became hostile to him and whipped him. (2512). That Thiel did not participate in this.

(P.2513). That the German Consul had told him prior to leaving New York to keep quiet aboard ship. That he therefore decided that the other people thought he might be an F.B.I. agent.

(P.2515). That the others on the boat threatened to report him when they arrived in Berlin.

That they arrived in Berlin on May 13, 1941. That he went to work on June 6th with the German Foreign Office as a civilian employee. That he was a monitor with the Foreign Office in the American Group and received and translated all transmissions from American Radio Stations. (P.2517) That he stayed with this work until February 28, 1942.

(P.2517). Kappe was the man who helped him get the job by calling the head of the Foreign Office, Section R. (P.2518) That he first met Kappe on June 1st or 2nd, 1941 in Berlin and had not known him in the United States.

(P.2518). That in his position he had an opportunity to learn the condition of the German people and (P.2519) found that the people were slaves.

(P.2519). That he gave them in minute detail to the F.B.I. and told them everything he knew. (P.2520). These statements are contained in defendant's Exhibit A.

(P.2521). After he learned the conditions of the German people he decided it should be fought and that the only way it could be fought effectively was to get out of Germany.

(P.2523). When he asked a young lady by the name of Leonhardt what the real meaning of "Abwehr" was. She replied that it means defense. That he asked her if she knew anyone there on her affirmative answer and she gave him the address of a First Lieutenant Kobe whom he looked up subsequently, but was unable to find him.

(P.2524). That he spoke to a young lady who worked for the High Command and she said that she knew Kappe. (P.2525) That on the following Monday or Tuesday he received a letter from Barth who said that Kappe was sore at him for trying to find other work without going him (Kappe).

(P.2525). That he went then to Kappe who told him to forget Intelligence 1 and that he would get in touch with him later.

(P.2526). Thereafter he met a Dr. Wessel who asked him various questions about America, England and South America, etc. That the man asked him to write a version of his own imagination on how to get to America. (P.2527) That he went to various places and obtained information.

(P.2528). That he looked for every possible avenue of escape from Germany and ultimately found a way out through the sabotage school.

(P.2529). That his sole desire was to get out of Germany by what ever process was necessary to give him an opportunity to fight Nazism and that this was the sole reason he entered into the Sabotage school.

(P.2529). That he had a conversation with Burger in which Burger unboomed himself.

(P.2530). That before going to school, he had a record which stated that he had been in a concentration camp for seventeen months.

(P.2530). That on the first Saturday night of the school he and Burger walked together and he asked Burger to tell him his side of the interment. That Burger started damning the Nazis whereupon the witness told him to keep quiet that the day would come that he, witness, would reopen the matter again.

(P.2531). That he was selected as leader of one group before the school started.

(P.2531). That the two sailors who landed with him had pistols but that no other members of the group were armed. That he had objected to Kappe's suggestion that they come over armed and that his objection won.

(P.2532). After landing he saw the coast Guard and he ran up to the Coast Guardsman and told him that they got lost and landed there. (P.2533) that the Coast Guardsman told him that they were at Amagansett and told him to come along. Whereupon witness stated that he could not. At this time Burger came along and said something in German and Witness told him to get back with the others. That prior to speaking to the Coast Guardsman he told the two sailors to go back to the boat.

(P.2533). That the Coast Guardsman was scared as well as the witness that he offered the Coast Guardsman a bribe and he finally took it. (P.2534) that he told the Coast Guardsman to take a good look at him as the day would come when he would hear from him (witness) from Washington.

(P.2534). The Captain of the U boat had instructed them to over power and capture anyone they met on the shore.

(P.2535). That he did not come here to kill anybody. That the Coast Guardsman was unarmed.

(P.2535). While waiting in the railroad station he debated calling up Washington but he decided not to do so because he had to keep the men together.

(P.2537). That he reopened with Burger the subject they had started while they were in school on Saturday and then discussed the matter with him on Sunday morning. That at that time Burger disclosed that he never had any intention of doing any acts of sabotage that his only desire was to get away from Germany. The witness disclosed to Burger that he had the same intention. That they found that each had the same thought.

(P.2538). That he got in touch with the F.B.I. on Sunday evening at 7:40 or 7:53, he told them that he was a German citizen and asked them to instruct Washington that he would be in Washington on Thursday or Friday. That he gave the name of Franz Daniel Pastorius and a description of himself. They wanted him to come to the office but that he would not do so.

(P.2539). That he came to Washington on Thursday evening and on Friday morning he called Government information and inquired as to where was the best place to disclose his information. That he then called Colonel Kramer, who was out, and left word for him to call back. (P.2540). He then called the F.B.I. and talked with Mr. Traynor. That Colonel Kramer then called he advised Colonel Kramer that he had already talked to the F.B.I. and was going to see them.

(P.2541). That he thereafter discussed the matter with the F.B.I. for five days.

(P.2542). That at the end of the first day or on the next day, Mr. Traynor said that when he, Dasch, had first come in that he, Traynor, thought that he, Dasch, was a crackpot that later he had known that Dasch had come for something.

(P.2542). That the main reason he left Germany was to fight Hitler.

(P.2543). That he had stuck to the idea that nothing should be done for at least three or four months in order to give himself a leeway to provide for being delayed and so forth.

(P.2544). That Kappe first wanted him to wait only four weeks but that he had convinced Kappe that they should wait longer.

(P.2544). That during his entire discourse with the F.B.I. he was under protective custody. That he found that he was under arrest on the 28th or 29th of June.

(P.2545). That he agreed to enter a plea for the protection of his father and mother on Saturday night. (P.2546) that after thinking it over he changed his mind that he saw a newspaper with his pictures on it and assumed that the F.B.I. had told the entire story to the press. He sent for Mr. Donegan and told him the next day that he could not plead guilty.

CROSS EXAMINATION

(P.2547). That he met Kappe first on June 2, 1941. Each time he was cross-examined on his stay in America. That Kappe seemed to have no record on him. (P.2548). that he met Kappe again at a meeting for German-American people. (P.2549) that he saw him again in November at which time Kappe wanted to know why he had contacted the Espionage I. That he saw him again on the second or third of December and that Kappe told him he could use him to go to America. He said that the German High Command wanted a group of German people to go to the United States to do sabotage. The witness told him he was interested and Kappe asked witness to draw up a little memorandum.

(P.2550). He spent several days in drawing up a memorandum five pages. (P.2551) That the memorandum listed three kinds of sabotage political, industrial, and military and described each one. That military sabotage occupied the last two pages and the industrial sabotage recommended the difference between the A.F. of L and the C.I.O. be nourished. (P.2552) that he took it back to Kappe who later complimented him on it.

(P.2552). That he got his ideas on military sabotage from the radio.

(P.2553). That he next saw Kappe just before Christmas. Kappe told him that there would be more than himself going to America and that the people who went would take part in the school. (P.2554) that he suggested only the name of Thiel and this was in March of 1942 at the time he first met Kerling. That at first Thiel said neither yes nor no. (P.2555) that he had helped get Thiel in.

(P.2556). That Kappe gave him the records of the defendants to go over in June of 1942, that this school was organized sometime ago by the German High Command.

In March Kappe gave him the records of some persons to decide whether those persons had sufficient knowledge of English or could be used for sabotage. That he gave the name of Kerling, Neubauer and two or three other names. (P.2558) He made no report to Kappe of his study.

(P.2559). That when he landed he was nervous and happy.

(P.2559). That Burger told him that there were Gestapo in the F.B.I. but (P.2560) he did not believe that story.

(P.2560). That he had three reason for not going to the F.B.I. immediately. First was that he was in a mental and nervous condition. Secondly, he had to be human, that he did not know why Haupt came over and he could not take away the chance from him to prove why he came here. He had to give every person a chance to say what the witness had to say.

(P.2562). Playing cards steadied his nerves.

(P.2562). That he is not and never has been a communist.

(P.2563). That he is loyal to the people of Germany and to all good, decent, honest law abiding citizens regardless whether they are in Germany or America or France.

REDIRECT EXAMINATION

(P.2564). That he was not at any time in 1941 or 1942 sworn in as a member of the military forces of Germany.

CROSS EXAMINATION BY COLONEL ROYALL

(P.2565). That the file which Kappe gave him on certain of the defendants indicated that he had made a careful investigation of their records. The record of Burger showed that he had been in a concentration camp in Germany for seventeen months. That the Gestapo are the bosses of the concentration camp.

(P.2565). That both in Germany and afterwards, Burger was nervous about the Gestapo thinking that there were agents of the Gestapo in the United States and in the ranks of the F.B.I.

(P.2566). That from the time of his conversation with Burger in New York, Burger knew that he was planning to report to the F.B.I. That witness requested Burger to wait and allow witness to report it in his own way.

(P.2566). That no instructions were given them in Germany about sending in military information back to Germany.

(P.2567). The Caucasus was on the fourth floor of an apartment house which had at its door way a sign meaning "Editors of the Caucasus".

(P.2568). That he talked to Haupt and Kappe seemed to know a good deal about Haupt. (P.2569) That he knew Haupt was an American citizen through his parents who were American citizens on the statements of Haupt himself. That Haupt was the youngest of the group and he knew that Haupt could have only been in Germany from December 1941.

(P.2570). That he thought that Haupt being in Germany such a short time must have some other reason for going through the school and into this land.

(P.2570). That he had a good chance to observe Thiel on the boat going to Japan and (P.2571) that he was partially responsible for Thiel coming into this land.

(P.2571). That when the suggestion was made that he plead guilty on June 28, he had already given the F.B.I. most of the facts of the case. (P.2572) but they told him if he would plead guilty and go to prison that after six months or three months a Presidential pardon would be obtained for him. That he had agreed for the security of his parents.

RE-CROSS-EXAMINATION BY THE ATTORNEY GENERAL

(P.2572). That Reinhold Barth, an instructor at the school was the husband of his first cousin. That he never discussed sabotage with Barth. Barth is an idealistic Nazi. That his brother is not connected with the Russian Government.

TESTAMONY OF DEAN F. McWHORTER
SPECIAL AGENT OF THE F. B. I.
A WITNESS FOR THE DEFENSE

DIRECT EXAMINATION

(P.2578). The witness had a conversation around the middle of June with a person giving his name as (P.2578) On the evening of June 14th a man called and first stated that he wanted a record made of the call. He gave a name which could not first be understood and was then spelled. He asked the man to come to the office to give whatever information he wanted to but the man refused saying he wished to see somebody in Washington. The man said that he had just arrived from Germany two days ago. (2580). He asked that the Washington Office be advised that he was coming down next Thursday or Friday to see Mr. Hoover.

(P.2581). He did not advise the Washington Office about the call and did not suggest that anyone so advise the Washington Office. He prepared a memorandum on the information for the New York Office. Action, for review by his supervisors and their action.

(P.2582). G is a photostatic copy of his memorandum.

(P.2584). He said the information received by him in his opinion called for no further suggestion for investigation.

(P.2586). He was simply reporting the information for his Supervisor that it was his suggestion that his record be made for the purpose of the record did not restrict action by his supervisor.

TESTAMONY OF EARL J. CONNOLLY
ASSISTANT DIRECTOR, F.B.I.
A WITNESS FOR THE DEFENSE

(P.2588). Witness was in charge of the proceedings leading up to the trial for the F.B.I. That the matter was first turned over to him on Monday, June 15th, at which time the cases of explosives were first delivered in the hands of the F.B.I. on June 13th by the Coast Guard. (P.2590) Only such Agents as were concerned with the investigation were informed as to the recovery of the explosives and that McWhorter was not so informed. That from June 13th he has no identification of any person by the name given by Dasch and no medium by which he could be identified with the case at that time. To the witness' knowledge the information contained in the memorandum from McWhorter was not communicated to Washington.

TESTAMONY OF ERNEST PETER BURGER
ONE OF THE ACCUSED TESTIFYING
IN HIS OWN BEHALF

(P.2591). The accused was informed of his right and elected to be sworn and take the stand in his own behalf.

(P.2592). That he was born in Augsburg, Germany on September 1, 1906. That the statement that had been introduced in evidence was freely and voluntarily given and is correct in every particular. (P.2593). He gave a short supplemental statement which was a condensation of the first and does not contradict the first in any particular.

(P.2593). That at the beginning of the case he was willing to go on the stand, did not do so on his lawyer's advice because of the other defendants.

(P.2593). He lived in Germany until 1927 at which time he came to America and stayed here until 1933 working as a tool and That he obtained his final citizenship papers while here.

(P.2594). That he was a member of the National Guard of Michigan and Wisconsin while here and received an honorable discharge from those bodies. That he also received a sharpshooter's insignia. He said he had these documents when he was apprehended and surrendered into the F.B.I., as well as a special letter from the Commanding Officer.

(P.2595). He said he went to Germany in 1933 because he was out of work and his family sent him a ticket.

(P.2595). That while in Germany he did not take any affirmative act to renounce his American citizenship except in connection with joining the Armed forces of Germany. That he joined those forces in 1941 but had not participated in any fighting in Germany. Prior to the time of his coming to the United States he had been a member of the Volunteer Corps against Poland. He said he had received two decorations for bravery in action (P.2596) which were taken from him by the Gestapo.

(P.2596). He joined the Nazi party in February of 1923 and was one of the old storm troopers. That on return to Germany in 1933 he rejoined the Nazi party.

(P.2596). That he was an aide de camp to Ernest Roehm in 1933 and remained on his staff until June of 1934 when Roehm was killed. At that time large numbers of the old storm troopers were killed, that as he was assigned to the Chief of the Medical Corps he escaped massacre. (P.2597). That around three thousand leaders and their friends were killed in the Roehm. From that time on the entire course of the party changed and his former enemies got control of the party and formed a strong opposition to anyone who had belonged to the storm troopers before 1933.

(P.2597). That after Roehm was killed most of the storm troopers tried to get out of Germany. (P.2598) but were unable to do so legally. That he made an effort to get out of Germany after the purge but was unable to do so.

(P.2598). In 1939 and 1940 charges were made against him by the Gestapo.

(P.2598). That after Roehm was killed Kintler ness was separated from the storm troopers built up as a police force.

(P.2599). after the outbreak of the war he got in difficulties with the Gestapo and finally gave his case to the Justice Department on the charge of falsification of his papers. (P.2600). He was held by the Gestapo for seventeen months, first in jail in Poland and then in the cellar of the headquarters of the Gestapo in Berlin, then in the Justice Department sent in a concentration camp.

(P.2601). The witness did not answer questions as to how he was treated during that period.

(P.2601). That it was not the treatment of himself that hurt but the treatment of his wife. That his wife expected a baby and they told her that he, , had stolen money, expected eight years on a chain gang and advised her to get a divorce.

That she refused to get a divorce, had a break down and a miscarriage. (P.2602) They told her to bring my uniform down to the Gestapo so they could rip off his . She refused to do that. They made him write a farewell letter to his wife telling her that he would never come back and stopped his bank account. They took away his and decorations.

(P.2602). Before this he had had political reasons for getting out of Germany and after this he had personal reasons to get himself and wife out too.

(P.2603). That from time on he made efforts to get out of Germany, going to the Intelligence Department and volunteering for any job or anything to get out of Germany.

(P.2603). That they first had in mind sending him to but this was dismissed and in February or March of 1942, he had a letter from Kappe explaining that his wish would be fulfilled. This letter said that his transfer from a regular army station to a special formation was on its way.

(P.2603). That he had volunteered to do anything as he told them to rehabilitate himself.

(P.2604). That he knew of no other way of getting out of Germany other than underground to Switzerland and if he had done this it would have been illegal and he could not have taken his parents or folks along and if he had the authorities would immediately have taken his people. That if he went out legally, it would not have effect his people.

(P.2604). They were given instructions not to hurt anyone.

(P.2605). He tried not to express hostility toward the Gestapo but that after Kappe explained to a group of the boys that he had been in camp probably made several remarks about it. He told one of the boys he did not consider the Gestapo in Germany as being the same thing.

(P.2605). He wrote to his wife before leaving the submarine.

(P.2606). He also wrote her several letters before leaving Berlin and gave her a password, personally.

(P.2606). He was not disturbed by the incident of the gold certificate but was disappointed because the matter had not been handled more carefully.

(P.2608). That he was informed by Kappe that he would be put on any concentration camp when he got back in order to become a good citizen again. That it is considered in Germany that a concentration is not a penance, but a way of education.

(P.2609). That he used his own name throughout and gave an old address when he registered at the hotel in New York.

(P.2609). That when he came to this country he formulas of explosives which he lost, some receipts for money in Germany, a photograph of his wife with German on it. He did not attempt to dispose of them.

(P.2610). That he made no attempt to dispose of the money that he brought, kept it in his room.

(P.2610). That the first he knew that any member of the group

might be planning to expose the plans on Saturday, June 13th. That he had some conversation in Europe with Dasch on the matter.

(P.2611). He had made plans to get out of Germany legally. His second point was to make it clear that it would be impossible for anyone else to carry out orders. That he dragged his bag across the beach for this purpose and dropped some articles, before he ever saw the Coast Guard. He could make no plans for what to do after the landing because he was not familiar with conditions here.

(P.2612). That he was afraid of the Gestapo and he was afraid that the others did not trust him. He was informed that the Gestapo had agents in this country in the F.B.I. He had heard that Serbold and about thirty others who were members of the Gestapo had been caught by the F.B.I.

(P.2613). His fear of the Gestapo was the reason he did nothing in New York. Dasch telephoned the Gestapo in New York.

(P.2613). That he was in no hurry to report the matter as he had made it impossible for anyone to carry out the plans because of exposing the explosives. Secondly, Dasch had explained what he was going to do and he was waiting for Dasch.

(P.2614). Dasch waited for Thursday because his nerves broke down. He got a letter from Dasch which was written in New York telling him that Dasch had gone to Washington. He knew Dasch had gone to report it to the F.B.I. He remained in the hotel registered in his own name and made no effort to leave.

(P.2615). He gave the F.B.I. all the information he could. He made no false statements.

(P.2616). The only incorrect information he gave to them was with respect to any relatives he had in the United States. That he has a distant relative an old lady seventy-five years old a second cousin who resides here.

(P.2616). That at the time of making the statement he did not know they had found the articles on the beach. He told them everything that had happened.

had no initiative.

(P.2618). That the reference to the submarine landing a third party in this country was the result of the conversation which he overheard in Europe. He did not report this immediately to the F.B.I. on landing here because he did not think of it.

CROSS EXAMINATION
By the Attorney General

(P.2619). That he joined the Nazi party in 1923 and took part in the original after which time the police prohibited the party. That he joined again in 1933 when he went back to Germany and has been a member ever since. (P.2620) He wore the party uniform. That he had a decoration for being a member of the original organization. That the Gestapo took this decoration away and prohibited his wearing other decorations for bravery in battle. The part of the Nazi uniform.

(P.2621). He had known Kappe in this country. As Kappe told

him never to refer to him, Kappo, in this country. (P.2622) that Kappo was to come over but that witness was not to meet him. He said that witness was to put an ad in the Chicago Tribune on the first and fifteenth of the month beginning with August indicating that he had established a front in Chicago. (P.2623) That this was to be a communication to Kappo that he had established a front in America. (P.2624) that nothing was said about radio. That the advertisement was to mean that witness only had established a front.

(P.2625). That his orders were to establish a front or business in Chicago. (P.2625) That his decision to use his own name was approved by Kappo. That he used his own name because he had papers in that name.

(P.2626). That Exhibit E -266 is his naturalization papers. That the words "passport issued" were taken off the paper to indicate that he had never left the United States.

(P.2627). That the secret writing was the communication between the group and the United States. That they would write only where they should meet. He knew nothing about the handlers until after he landed and was told about it by Rasch who said it had important notes on it.

(P.2629). Before he was released by the Gestapo, he had guard work in a prisoner's camp as a soldier. That on going into the army, he took an oath of allegiance to Adolph Hitler as the highest in command of the army. That he took no other oath but signed a contract to the command of the German army. That he does not know what the contracts of the others contain.

(P.2630). That the uniforms were issued in Berlin were fatigue uniforms. That the uniforms they issued were like the ones which had been shown in Court.

(P.2631). That on the trip over on the submarine, they were all under the command of the Captain of the submarine who is a member of the navy.

(P.2631). That the actions of Rasch were such that nobody had any confidence in him, and did not understand him. That there was no harmony in the group and each was watching the other. That for this reason ^{Gunn} a second leader had the idea that if Rasch disappeared he would take over command. This would have been carrying out orders. They were suspicious of Rasch as a leader. (P.2633) That they first thought that Rasch might get away with the money. And all three thought more or less that he might not carry out his orders. (P.2634) That he had this thought in Berlin but was not suspicious of the other two.

(P.2634). He wanted to find a legal way of getting out of Berlin either with the party or with the army, there being no other way. He first decided to get out of Germany in July, 1934. That he first tried to get into the Foreign Department to finish his education at the University of Berlin, but did not succeed. (P.2635) That he talked to Miss Schultz toward getting his American passport straight but with no success. His efforts to get out were continuous since 1934. That he was an American in 1934 and was also a member of the party and a former aide de camp to Roehm. He stated he could not go to the American Consulate (P.2636) because he could not afford to as thousands of Americans were getting in and out of Germany from 34 through 38.

(P.2636). That in 1935 he was not a loyal German.

(P.2636). Prior to the mistreatment of his wife, his reasons for getting out were political and thereafter it became personal.

(P.2637). They first suggested that he go to _____ but he heard no more of it. If he had got out illegally, there would have been reprisals against his family. That he never meant to go through with this from the beginning. (P.2638) If the news of his giving information here got back to Germany, it would have hurt his family but that the F.B.I. had promised it would be kept secret. And he does not think there is any chance of the news getting back to Germany.

(P.2639). That while in Germany he had no definite plan over here. (P.2639) that his reason for getting out of Germany was to protect his family. (P.2641) had he not had a family, he would not have left Germany illegally and preferred coming over here legally on a submarine than going over the Swiss border illegally.

(P.2641). That on landing on Anagansett it was dark and foggy that he put a bottle of snuffs sticking up in the sands. Dropped a box of cigarettes on the sand and (P.2642) he put his raincoat on the top of the bank (P.2642) that the cigarettes were less than ten feet from the water.

(P.2644). He also dropped bathing trunks and a folded vest up on the bank and away toward the dunes intending to leave tracks to mark the way.

(P.2645). That he put down three different items before he ever saw the Coast Guard. And at that time he was thinking of nothing but getting away from the beach that he decided on the submarine to make their plans fail.

(P.2646). He trust Dasch and had confidence in him after he had talked to him. (P.2647). He did not suspect Dasch of giving the plan away before talking to him, did not expect him to carry out the orders given him. He came to this conclusion during the school.

(P. 2648). That Dasch consistently disobeyed the orders of the superiors while in school and until getting on the submarine. That he lost his papers and was not considered a competent leader for an undertaking of this nature.

(P.2649). That the incident of the gold certificates was another proof that Germany didn't give a damn what happened to the group. That such action was a dirty trick. That they also gave them less money than they were supposed to have. (P.2650). He felt from the very beginning that he could not trust his superiors.

(P.2651). That at the school, he was told by Kappe that every member of both groups had been assigned as members of the German army.

(P.2657). That Dasch was intimate with Kappe. (P.2658). That Dasch was also intimate with Barth. (P.2659). That if Dasch had not turned the matter in, he would have done so himself. That he decided at the school that he would turn it in, but he did not know to whom he should turn it in.

(P.2659). That his first lunch that Dasch would not go through with it was on June 13th. That he also had an idea that Heinck could not go through with it.

(P.2660). That Kappe made a statement about all being assigned army numbers when Kerling, and possibly Thiel were present. (P.2661). That none of the other boys ^{told him} they had been assigned to army units.

(P.2662). That he was mixed up in the Communist rise in Germany in 1923 to 1927, and (P.2663) it wasn't safe for him to stay in Germany anymore. That he rejoined the Nazi party immediately after returning to Germany. That he took no additional oath.

CROSS-EXAMINATION BY COLONEL RISTINE:

(P.2664). That during the school, he and Dasch were taking a walk and that he expressed his feelings about the Gestapo, and Dasch stopped him and told him that there would be a time he would be asked more about it. (P.2665). That his statements against the Gestapo were bitter, and it was during this statement he was stopped by Dasch. That had Dasch been a loyal Nazi, he probably would have turned witness in at that time. That because of another incident he thought Dasch was not the Nazi he pretended to be, and others had the same idea. (P.2666). That he and others had the impression that Dasch was not interested in living up to the orders they were given.

(P.2668). Prior to leaving the submarine, they were instructed to overcome any guard found and bring him back to the boat. That he came up to Dasch while he was talking to the Coast Guard. That there would have been no difficulty in overpowering the Coast Guardsman. (P.2669). Dasch told him to go back to the other two boys. That this indicated that Dasch was not following orders of the submarine captain.

(P.2670). That Dasch first told him of contacting a newspaperman in Paris on June 14th. That he saw Dasch sitting by a man in Paris and Dasch later explained that this was the man. (P.2671). That when Dasch told him to go back to the boys on the beach, he explained that Dasch had run into an American sailor. That all three kept away. (P.2672). That while they were on the beach, Dasch told him that he had given money to the coast guard, and had told him that the coastguardman would hear from Dasch in Washington. That during the walk to Jamaica, Dasch told him that the boy's name was Frank Collins and that there would be a day when he would need to remember that name. That the name was to be used in connection with Washington. (P.2673). That he first had confidences with Dasch on the night of June 13th, and again the next morning. (P.2674). That he found that Dasch hated National Socialism, and that his mission here was to fight National Socialism. That he agreed with Dasch and told him so.

(P.2676) Dasch had told him that if he were a loyal Nazi, he would have to throw Dasch out of a 14th story window.

(P.2677). That after meeting the other boys that night, they called the F.B.I. That he agreed to this call. That Dasch waited because his mental state was such that he did not feel equal to talk with anyone of the F.B.I. immediately. (P.2679). After Dasch returned from playing cards, he said he was ready to talk with the F.B.I. After he came back he appeared to be quiet, and his hands did not tremble. (P.2680). That he waited in the hotel in New York while Dasch went to Washington. That he expected the F.B.I. and told them he was expecting them.

INDIRECT EXAMINATION:

(P.2681). That Kappe first told him he should appear as he should appear as a Czechoslovakian refugee with a different name; that he did not want to use a false name. That he could not leave Germany during 1934 or 1935, and up until the time of the war, because he was employed by the party and could not just disappear. That a party member could not leave Germany except on official business.

(P.2682). That he relied on the promises of the F.B.I. not to divulge when he made his statement. (P.2683). That Dasch had told him that he was going to report the matter, and he relied on Dasch as to the method of reporting.

(P.2684). That his whole intention in joining this group and coming to America was to get out of Germany and get even.

EXAMINATION BY THE COMMISSION:

(P.2685). That Dasch, Heink and Quirin were the only men who came ashore with him and stayed. That the sailors left for the submarine immediately after Dasch had contacted the coast guard. That Dasch stated that he had given the orders for the sailors to do that. That the submarine lay off the beach until after they buried the boxes.

(P.2687). That he had no intention of coming back and finding the boxes. That it would be easy to find the boxes because the things he had left. That the place was not otherwise specially marked.

(P.2688). That in Germany nobody could come out with his ideas as to what he intended to do, because he did not know whom he could trust. That in the past, Kerling asked him what he thought of his group, to which he stated he did not think Heink to be a 100% saboteur and that George Dasch was not an ideal leader for a mission like that. (P.2689). That as to this, Kerling answered, "Well, there will be a way to get out." That it was explained in Lorient that Quirin would be the assistant leader; if anything happened to Dasch, that he would be the leader. That Kappe wanted to make witness second leader, but Dasch opposed it, saying that he had no confidence in witness. (P.2690). That Dasch was related to Barth, and had worked with Kappe a few months making plans for the group at school.

(P.2690). That Dasch was never a fanatical or idealistic Nazi. That he knew nothing about national socialism. That the school was the property of the German High Command, the house master was a non-commissioned officer, and the leader of the school was Lieutenant Kappe. That Kappe said that all of those that did not belong to the army before they joined the school were assigned to the army, but that on the other hand when Kappe talked to him about his contract, he had told him he could be taken out of the army and make the contract as a civilian. That he refused to do this.

(P.3691). That the uniforms worn at school were not German uniforms, but former Czechoslovakian uniforms dyed black. That these were issued to protect their civilian clothes.

(P.3692). "My reasoning told me that if it is a school which belonged to the German headquarters, and all that, then they must be somehow connected with the Army, and all that." That Koppe said that since February, 1942, all had been assigned to the Army.

(P.3693). That his character was given an "excellent" on his two discharges from the National Guard.

(P.3694). That Dasch is a first-class salesman; that you could trust him as a friend; that he has no clear view of political ideals, and believes in fighting against injustice being done in Germany.

(P.3694). That he knew Hitler personally and intimately. That he took an oath of allegiance to Hitler in 1933 when he joined the Nazi party and (P.3696) when he entered the army. That he is not loyal to Hitler, and is not a German citizen. That he lost his loyalty to Hitler in 1934 because he killed Roehm and his other friends.

(P.3697). That he had a very uncertain feeling with the others. That he was pointed out to them that if anyone exposed the plan, that person was to be killed.

(P.3697). That he does not consider Dasch as a loyal German.

RECROSS EXAMINATION BY THE
ATTORNEY GENERAL:

(P.3698). That they had no way of reporting anything back to Germany. (P.3698). That in case they were arrested, that pay would cease. That there was a plan made as to what they were to say in case they were arrested, but that witness does not recall such plan.

REDIRECT EXAMINATION:

(P.3699). That he started marching the beach before he contacted the coast guardman and continued thereafter.

(P.3699). That Defendant's Exhibit H is a letter from his superior in the National Guard dated May 26, 1933. That Exhibit I is a letter from the same person dated September 30, 1933. That Exhibits J and K are his discharges from the National Guard.

RECROSS EXAMINATION BY THE
ATTORNEY GENERAL:

(P.3707). That political statements were omitted from his statement to the F.B.I., but nothing connected with this case.

FURTHER EXAMINATION BY THE COMMISSION:

(P.3707). That they were to tell nothing in case they got caught.

REDIRECT EXAMINATION:

(P.3708). That he signed a pledge of secrecy that covered confession. The penalty was death.

(P.3708). That at this point, defendants introduced in evidence a confidential letter from The Adjutant General relating to a change of the

Eastern theater of operations to the Western Defense Command, dated March 18, 1943, as Exhibit L, and a map showing the limits of the Eastern Defense Command, marked as Exhibit M.

TESTIMONY OF MRS. MARIE KERLING, A WITNESS FOR THE DEFENSE.

(P.2716). That the witness lives at 336 East 51st Street, New York City, and is a cook by occupation. She is the wife of defendant Kerling, and has been married to him since 1930.

(P.2717). That Kerling was in this country, she was told, on June 23rd, that the last she had seen him before that was when he returned from Germany in 1939 or 1940. That he tried to go to Germany on a boat in 1939, but was stopped by the Government. (P.2718). That she knew he was trying to return to Germany in 1939, and she knew that he did go in 1940.

(P.2719). That while they were working together they were not happy, and he wanted to divorce. (P.2719), but that this trouble cleared up later. That when war broke out, he gave up his job and wanted to go to Germany. (P.2719). That after his return to this country she found he had been to Germany.

(P.2720). That Hedy Ragermann is a friend of hers, whom she had known about a year, having met her through Mrs. Neuberger in New York City.

(P.2720). That Kerling communicated with her several times while he was in Germany, asking her to come to Germany. That she had a chance to go once. Her health during this time was bad, and she told her husband that she would come home after the war. (P.2721). That at one time, the German Consul called her down and asked her if she wanted to go home, and she told them no. That she did not tell her husband why she would not go to Germany, and did not tell him she was sick and needed an operation.

(P.2722). That Hedy Ragermann knew she had a chance to go to Germany.

CROSS-EXAMINATION BY THE ATTORNEY GENERAL:

(P.2723). That she was born in Germany and is a German citizen; that she did not try to get back to Germany. That her husband bought a boat. That her husband wanted to go back to Germany to fight with Germany.

(P.2723). That she was a member of the German Labor Party in 1930, but never attended any meetings.

(P.2724). That she first heard that Kerling was back on June 23rd. That Helmut Leiner told her this, and took her to see him, but they missed him at that time. (P.2725). The reason she did not want to go home was that she wanted to save her money and have an operation done here.

REDIRECT EXAMINATION:

(P.2726). That she asked Kerling if he wanted to marry some one else.

REVERSE EXAMINATION:

(P.2726). That Kerling answered her suggestion that he marry someone else by telling her that he loved her.

TESTIMONY OF HEDY RAGERMANN, 236 EAST 86th STREET, NEW YORK CITY, A WITNESS FOR THE DEFENSE.

(P.2728). That she has known the defendant Kerling for two and a half years. That she met him in Miami and often went on the boat during the time

she knew him down there. (P.2729). That at this time, she was a waitress residing in Miami. That she saw a great deal of Kerling, and grew very fond of him. That she knew he was married, but that made no difference. That she left Miami before he did, and went to New York to her mother. That while working in the World's Fair in New York, Kerling came from Miami to New York where she saw him frequently. That his wife knew about it, and that she talked with his wife after Kerling had gone to Germany. That he left on July 27th, and she knew he was going to Germany.

(P.2732). That while Kerling was in Germany, she heard from him. (P.2733). That she kept his letters, and that they are now in the custody of the F.B.I.

(P.2733). That Mrs. Kerling wanted her to go to Germany, and suggested that she marry Kerling. That Kerling tried to get his wife to come to Germany. That Mrs. Kerling insisted that witness go instead. (P.2734). That Mrs. Kerling was supposed to leave for Germany a few weeks ago, having been notified by the Swiss Consulate that a trip was being arranged in Germany. That she said she did not want to go and wanted witness to go. That she wanted witness to marry Kerling. (P.2735). That witness thinks Mrs. Kerling has ceased to love her husband. That she considered her husband more of a brother than a husband.

CROSS-EXAMINATION:

(P.2735). That she saw Kerling frequently before he left for Germany, and they were very good friends. (P.2736). That she first learned he was back on June 22nd, and Helmut Leiner asked her to Central Park, and when she got there, she met Kerling. He told her that night how he had come back. He said he had come back on a submarine. That he did not tell her what he had come back to do. (P.2737). He mentioned that Hermann Neubauer had come back with him; that he gave her some money; that he gave her an odd twenty dollar bill, and Leiner gave her a \$50.00 bill for change. That she gathered that Leiner had received his \$50.00 bill from Kerling.

(P.2738). That she changed the bill, but did not give the money back to Kerling because she did not see him again. She did not give any money back to Leiner either. (P.2739). That at the time of meeting him in the park, he asked her to go to Florida with him. That she would have gone to Florida with him and so told him. (P.2739). That he did not say how they were going to Florida. He said they were going to Cincinnati and Chicago, and asked her to go with him and she agreed.

(P.2739). That he wrote her several times from Germany, and that the F.B.I. has the letters. That he said he landed on the submarine on a rubber boat.

REDIRECT EXAMINATION:

(P.2741). That she did not ask Kerling what he was going to do on his trip because she knew him, and knew that questioning would not do any good. That he would have told her eventually of his own accord.

(P.2742). That he asked her to go to Chicago, Cincinnati and Florida.

(P.2743). That in spite of her responsibilities of her grocery store she would have gone with him.

EXAMINATION BY THE COMMISSION:

(P.2743). That Kerling merely said he had to go to Florida, without giving the reason. That they did not discuss the method of travel. That he was going alone.

(P.2744). (At this point all defendants rested.)

REBUTTAL EVIDENCE FOR THE PROSECUTION:

Testimony of STEPHEN H. SHERRIS,
General Staff Corp, Washington, D. C., on duty in the Operations
Division, War Department, General Staff, in charge of the North
American Theater Group.

(P.2746). (Witness was shown paragraph 2 of defendant's Exhibit L and asked to explain the reason for the order and the effect thereof).

That the theater of operations is defined in sealed service regulations as the area of the theater of war necessary for military operations and the administration and supply incident to military operations.

(P.2747). That the term "theater of operations" is pertaining to the Eastern part of the United States, was changed to that of the Eastern Defense Command on March 18, because experience had indicated that the supply establishments, training center, ports, etc., should operate under the War Department rather than under the Commanding General of the Eastern United States. That was the purpose of making the change.

(P.2748). That so far as the technical situation is concerned, there was no change at all. That in a tactical sense, the Eastern Defense Command is still a theater of operations. That the purpose of changing the name was to eliminate all of those parts that had to do with supply establishments and administration. That this is the same with other defense commands. That it is the same in Alaska, which is a theater of operations where the Japanese are in possession of some of the islands.

(P.2749). That a defense command is a territorial agency designed to co-ordinate or prepare and to initiate the execution of all plans for the employment of army forces and installations in defense against enemy action in that part of the United States lying within command boundaries. Each defense commander has ground and air troops assigned to him for the purpose of carrying out his missions of operation against the enemy.

(P.2749). That Amagansett Beach is in a theater of operations from a tactical point of view. That tank and drill operations at Amagansett Beach were just as effective after the letter was issued as before. That the same is true of Florida.

CROSS-EXAMINATION:

(P.2750). That a theater of operations is applicable to the Eastern Defense Command except for that part which applies to administration and supply which has been eliminated, and which is the reason for changing the title. (P.2750). That the administration and supply really pertain to the zone of the interior. The zone of the interior has the job of putting supplies up to the theater of operations and on the front. That the theater of operations is nearer the fighting than is the interior.

(P. 2750). That a determination was made that the supply situation, training activities and things of that kind may be used in the Defense Command more properly part of the zone of the interior than the theater of operations because of the supply functions involved.

(P.2751). That as soon as fighting took place in the part of the interior, it would become military operations.

TESTIMONY OF THOMAS J. HONEGAN, A WITNESS FOR THE PROSECUTION,
RECALLED.

DIRECT EXAMINATION:

(P.2759). That he did not pull ^{Kerling's} Scheek's hair, or slap him, but did talk rough to him, and told him he considered him to be a dirty rat. That he was alone with witness at that time.

(P.2760). That he remembers the time when Drayton and Kerling and himself were in his office, that he talked rough to Kerling but did not slap him.

CROSS-EXAMINATION:

(P.2761). That he did not go out with Kerling alone, after Kerling claimed he, witness, had struck Kerling.

(P.2761). (At this point the prosecution closed its rebuttal.)

(P.2761). (At this point, it was stipulated by counsel that so far as the evidence goes, the case was closed.).

THE WHITE HOUSE
WASHINGTON

August 8, 1942.

Dear General Cramer:

I am very anxious that all of the copies of the record, together with the exhibits and photostats thereof of the eight Nazi saboteurs tried by the Military Commission appointed by me July 2, 1942, be physically sealed for the duration of the war.

They should remain sealed unless opened by order of the President of the United States.

Will you please see that this is done with respect to all copies in the possession of the Judge Advocate General's office?

Very sincerely yours,



Maj. Gen. Myron C. Cramer,
The Judge Advocate General,
Washington, D. C.

THE ATTORNEY GENERAL
WASHINGTON

December 13, 1945

My dear General Green:

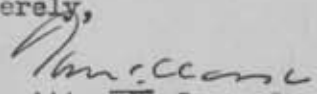
Confirming my telephonic conversation with General Cramer, the President has asked me to inform your Department that the record of trial of the eight saboteurs may now be released from seal. A photostatic copy of this letter of authorization from the President is enclosed.

The Executors of the Estate of Franklin D. Roosevelt now have these papers; however, my office has been informed that the Executors have indicated they have no objection to returning these papers to the War Department. Such a request, I am informed, should be directed to:

Executors of the Estate of Franklin D. Roosevelt
C/o O'Connor & Farber
120 Broadway
New York 5, New York.

With kind regards,

Sincerely,


Attorney General

Major General Thomas Green
The Judge Advocate General
War Department
Washington, D. C.

Return

to Ops

Br.

PROOF

CHARGE I: Violation of the Law of War.

Specification 1.

- a. State of war between the United States and German Reich.
- b. Place.
 - (1) Locate military and naval lines and defenses of the United States along the Atlantic coast.
 - (2) Locate zones of military operations.
- c. Accused.
 - (1) Identify the accused.
 - (2) Association with a belligerent enemy nation, the German Reich.
- d. Act.
 - (1) Date - June, 1942.
 - (2) Civilian dress.
 - (3) Secret and covert passage.
 - (a) Through military and naval lines and defenses of the United States.
 - (b) Within zones of military operations. Show false pretense used in entry (Wilson on International Law, p. 292 (Spies)).
- e. Intent.
 - (1) Purpose to destroy certain war industries, war utilities and war materials within the United States.
 - (2) That activity of accused is a direct aid to enemy.

Dig. Op. 1912-1930, Sec. 1552.

Specification 2.

- a. State of war between the United States and German Reich.
- b. Accused.
 - (1) Names of accused.
 - (2) Association with a belligerent enemy nation, the German Reich.

(3) Military uniform of German Reich is not civilian dress.

(4) Accused found in civilian dress.

c. Place.

(1) Military and naval lines of defense of the United States along Atlantic coast.

(2) Zones of military operation.

(3) Where accused found, which was behind (1) and within (2)

d. Act.

(1) Date - June, 1942.

(2) Assembled explosives, money and other material.

e. Intent.

(1) Purpose, to commit sabotage, espionage, and other hostile acts.

(2) The activity of accused is a direct aid to enemy.

Dig. Op. 1912-1930, Sec. 1552.

CHARGE II: Violation of 61st Article of War.

a Relieves the enemy.

(1) State of war.

(2) Who was relieved and that party was an enemy.

(3) Manner of relief.

- (a) Arms;
- (b) Ammunition;
- (c) Supplies;
- (d) Money, or other things

(4) Enemy must be actually relieved.

(5) Acts committed on the theatre of war or within the scope of martial law.

b Attempt to relieve.

(1) Same as "a" above, less No. (4), plus overt act.

c Knowingly harbors.

(1) State of war.

- (2) Receiving, lodging, sheltering, or concealing a person.
- (3) That such person is, in fact, an enemy.
- (4) That the accused knew, or the circumstances are such that he should have known that the person is an enemy, or that accused believed such person to be an enemy.

c. ⁽⁵⁾ Acts committed on the theatre of war or within the scope of martial law.

d. Knowingly protects.

- (1) State of war.
- (2) Shielding from pursuit, arrest, or any injury which in the chances of war may befall him, a person known by the accused or believed by him to be an enemy, or that the circumstances were such that he should have known the person was or might be an enemy (including the enemy government itself)
- (3) That the person was, in fact, an enemy.
- (4) Acts committed on the theatre of war or within the scope of martial law.

e. Knowingly holds correspondence with the enemy.

- (1) State of war.
- (2) Written communication with person known by the accused or believed by him to be an enemy, or that the circumstances were such that he should have known the person was or might be an enemy (including the enemy government itself).
- (3) That the person was, in fact, an enemy.
- (4) Correspondence relating to any subject.
- (5) That communication was prepared and delivered to a messenger or otherwise putting it in the way to be

delivered.

- (6) That such correspondence was direct or indirect.
- (7) Acts committed on the theatre of war or within the scope of martial law.

f. Knowingly give intelligence to enemy.

- (1) State of war.
- (2) Communication to a person known by the accused or believed by him to be an enemy, or that the circumstances were such that he should have known the person was or might be an enemy (including the enemy government itself).
- (3) That the person was, in fact, an enemy.
- (4) That such communication gave in any manner information that might instruct or assist the enemy in the prosecution of hostilities.
- (5) Enemy must be actually informed.
- (6) Facts communicated must be, in part at least, true.
- (7) Intelligence given directly or indirectly.
- (8) Acts committed on the theatre of war or within the scope of martial law.

CHARGE III - Violation of the 82nd Article of War.

Specification.

a. Jurisdiction.

- (1) State of War between United States and German Reich.

b. Place.

- (1) Locate military and naval lines and defenses of the United States along the Atlantic coast.
- (2) Locate pertinent fortifications, posts and encampments of the armies of the United States.
- (3) Locate zones of military operations.

c. Accused.

- (1) Identify accused.
- (2) Association with a belligerent enemy nation -
the German Reich.

d. Act.

- (1) Date - June, 1942.
- (2) Acting clandestinely or under false pretenses.
- (3) Contriving to enter or entering lines and lurking
in or about fortification posts, quarters or
encampments.

Winthrop p. 767.

e. Intent.

- (1) Purpose to obtain information and commit sabotage,
- (2) And convey information gained in (1) to each
other,
- (3) And convey information gained in (1) to German
Reich or other enemies of the United States.

CHARGE IV - Conspiracy to commit all of the above acts.

Specification.

a. Jurisdiction.

- (1) State of war between the United States and German Reich.

b. Accused.

- (1) Identify accused.
- (2) Association with belligerent enemy nation, the
German Reich.

c. Act.

- (1) Date - June, 1942.
- (2) Plotting, planning and conspiring with each other,
with the German Reich and with other enemies of
the United States.

d. Intent.

- (1) To destroy war utilities in the United States,
spy and relieve, correspond with and otherwise
aid the enemy.

HEADQUARTERS SIXTH CORPS AREA
Office of the Commanding General
U.S. Post Office Building
Chicago, Illinois

In reply refer to:
AG 230-15 (Off)

July 8, 1942.

SUBJECT: Orders.

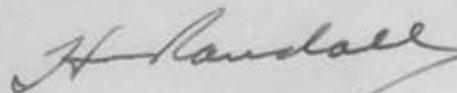
TO : Mrs. Anthony Jordan,
2038 W. Cullom Avenue,
Chicago, Illinois.

1. Pursuant to telephonic instructions from the Office of the Judge Advocate General of the Army (Brigadier General Edwin C. McNeil, 02248), Washington, D. C., you are authorized to proceed by rail to Washington, D. C., so as to arrive thereat not later than 10:00 A.M., July 9, 1942. Upon arrival you will report to the Military Commission, Room 5111 Department of Justice Building, Washington, D. C., as witness for the defense.

2. The Finance Department will pay you in advance the authorized witness fee of one dollar and fifty cents (\$1.50) for one (1) day; three dollars (\$3.00) expenses for one (1) day and mileage at the rate of five cents (5¢) per mile between Chicago, Illinois and Washington, D. C. and return to Chicago, Illinois. Attention is invited to Article of War 23 and paragraph 3 e, AR 35-4120.

3. The travel directed is necessary in the military service. The cost of travel and other expenses involved are chargeable to procurement authority: FD 85 P-01 A 0425-23.

By command of Major General GRUNERT:



DISTRIBUTION:

3 Mrs. Jordan
3 FO USA
1 TJAG, Washn
1 CA JA
2 AG Records

H. H. RANDALL,
Major, A. G. D.,
Asst. Adjutant General.

RECORDED

(2)

153-79-0015
8/92:45-3-3

Box 7

JALS-CCO CM 334178

20 February 1980

Mr. William Rosenbloom
1298 East Maynard Drive
Apartment #369
St. Paul, Minnesota 55116

Dear Mr. Rosenbloom:

Receipt is acknowledged of your payment in the amount of \$45.87 for a copy of the record of trial by general court-martial concerning the eight Nazi saboteurs tried and convicted in 1942.

In accordance with your request, inclosed is a copy of the record of trial which you desire. Also inclosed is a receipt for this copy of the record which it is requested you date, sign and return to this office in the inclosed self-addressed envelope which requires no stamp.

Sincerely yours,

K

- 3 Incl
1. Self-addressed envelope
2. Form of Receipt
3. Copy of RT

JAMES D. KEMPER, JR.
Clerk of Court

Box 1 cent 3-11-78
479603
479604

AO: pls

DISPATCHED
CLERK OF COURT
FEB 20 1 31 PM '80
US ARMY JUDICIARY

- C o p y -

Rotterdam, Netherland,
July 7, 1955.

The Honorable
Dwight D. Eisenhower,
President of the
United States of America.

My dear Mr. President:

With a series of communications, beginning with December 18, 1953 and marked "confidential and personal", my husband, George J. Dasch has presented to the President the true and provable facts in connection with his real part in ~~connection with the Sabotage Case of 1942~~, and in consequent, he has pleaded for a full presidential pardon and the complete exoneration of all the charges on which he was tried before the Military Tribunal.

The only positive result, so far, to these repeated and earnest pleas were communications from the American Embassy, Bern, Switzerland, as of May 10, and June 2, 1954, the American Consulate General, Stuttgart, Germany, as of October 21, 1954, and from the American Consulate General, Frankfurt, Germany, dated April 27, 1955.

These communications read nearly all the same, and namely: "... we have been advised that your request for a full presidential pardon has been referred to the appropriate government agency, for such actions as can be taken. When the Embassy (the Consulate General) have been further informed, it will not fail to notify you..."

The unpleasant facts created with the case have forced the whole matter to remain on the " secret list" in the War-Department to this day. We have respected the need of this fact so far, and have hope that a just solution can be found on the confidential basis of our previous pleas.

Therefore, I shall not here repeat the facts heretofore all clearly stated in our serious efforts to gain justice. Instead, I most earnestly repeat our plea for a just and speedy solution and as the true facts in the case demand, and respectfully, I beg to be informed thereon on my return home after July 16, 1955, and at the address as of below.

Should the near future prove, however, that our pleas for justice are not heard and respected, then we are prepared to wage our righteous fight in the open by considering a new and recent offer to bring our case and pleas directly to the People of the United States.

In this instance, we will show and prove that the injustice forced upon my husband is not based primarily on errors of judgement, but was willfully created and premeditated and pushed through with ways and means only possible behind the locked doors of a secret trial.

In this connection and in the interest of fairness I deem it necessary to mail copies of this letter to the War-Department, the Judge Advocate General's Office, the Department of Justice, the pardon Attorney, and to Mr. J. Edgar Hoover, Director of the FBI..

With all sincerity, I remain,

most respectfully yours,

Please reply:
Mrs. Marie C. Dasch, c/o Mr. & Mrs. Joe Previte
150 Valentine Place, Woodbridge, N.J.

Mrs. Marie C. Dasch

831 Gibson Ave.
Lurika, CA 95501



HQDA (JAL SCC)
Nassif Building
Falls Church, Virginia

22041

Original and four copies of the following:

Brief of the evidence in the trial of the eight Nazi Saboteurs by military commission.
140 pages w/index thereto.

Ernest Peter Burger's statement

George John Dasch's statement

Memo for General Cramer prepared by Capt. Lyle D. Keith, JAGD, discussing some phases of Dasch's statement which seem inconsistent with claim advanced by him that he at no time intended to commit acts of sabotage within the United States or to carry on espionage activities in this country.

List of statements made by Ernest P. Burger and George Dasch (separate list for each) showing intention

Analysis of Intent for each of the following: Neubauer, Kerling, Haupt, Quirin, Thiel and Heinck

Brief history of each of the saboteurs --(Original and two copies)

JALS-CCO CM 334178

30 November 1982

Mr. William K. Rosenbloom
1893 Worchester
St. Paul, Minnesota 55116

Dear Mr. Rosenbloom:

This is in further reply to your request for information regarding the Nazi-saboteur case.

I am advised that the original record of trial along with the exhibits and photographs is in the custody of the Roosevelt Library. Cost information can be provided by writing to:

Mr. William R. Emerson
Director
Franklin D. Roosevelt Library
Hyde Park, New York 12538

I trust this information will assist you in your research efforts.

Sincerely yours,



MARY B. DENNIS
Deputy Clerk of Court

AO: DENNIS/pls

DISPATCHED
CLERK OF COURT
DEC 2 1 33 PM '82
U.S. ARMY JUDICIARY

MEMORANDUM for General Cramer. ASG

Pursuant to your instructions I am listing on a separate sheet some of the phases of Dasch's statement which seem to me to be inconsistent with the claim advanced by him that he at no time intended to commit acts of sabotage within the United States or to carry on espionage activities in this country. To some extent I have been handicapped in making these references in that I have not had the opportunity to study all the testimony in the proceedings. You undoubtedly will want to discard many of these references because of the fact that other testimony in the case has removed questions which have arisen in my mind as a result of my restricted study of the Dasch and Burger statements.

I am also listing on a separate sheet a few observations on Burger's testimony. I think I should report to you that from my study of Burger's statement I have the deep-rooted conviction that his statement is much harder to successfully attack than that of Dasch's. His story on the whole is pretty consistent while Dasch's contains many inconsistencies.

I am also listing on still a third report the page numbers of what seemed to me to be the most outstanding self-saving declarations made by both Dasch and Burger. The references in the case of Dasch are to the page numbers of the photostatic copy of Dasch's statement which was made available to me by Major Thurman. In the case of Burger, the page references are to the pages of the abstract of testimony rather than to a photostatic copy of Burger's original statement.

Before proceeding to the detailed comments, may I make several general observations and statements of position which seem to me to be applicable to the statements of both Dasch and Burger.

Viewed in the light most favorable to Dasch and Burger, both statements amount simply to repeated declarations that they intended, when the time was ripe, to cease their participation in the activities

Keith (L.D.)-nb

for which they were sent to this country. Neither of them at any time in the statement, prior to the making of the statement itself, did any affirmative act to decisively and actually withdraw from the activities of the group. Both of them were maintaining contact in one way or another with the other members of the group; both of them were taking pains to conceal their identities and the purpose of their trip from law enforcement officers; both of them were living on the money which had been placed in their hands by the German Government; neither of them had ever relinquished any control over the explosives and other instruments of sabotage which had been brought by them to this country; neither of them had ever indicated by word or deed to the other members of the conspiracy that they were withdrawing from that conspiracy. As a matter of fact, neither of them indicated to each other that they were withdrawing from the conspiracy. As a matter of fact they took painstaking care to continue in the conspiracy until such a time as they felt was the opportune moment to reveal their identity and the purpose of their trip to Federal officials.

I have the rather strong feeling that, at least so far as Dasch is concerned, and possibly the same observation is applicable to Burger, no intention to withdraw from the activities of the group ever came into existence until fear began to reach into their hearts. Neither of them took a single step to make their activities known to this Government until their landing was discovered by the Coast Guard. It seems reasonable to believe that that incident was the primary cause of their subsequent endeavors to make their peace with the United States. A secondary cause, perhaps almost equally important, was the fact that Dasch lost his notebook some time shortly after he had landed and before he had left the beach at Amagansett. That address book contained the addresses of at least two persons who would be able to identify Dasch (pp.94,95). From that moment on Dasch must have been fully aware that

the Coast Guard knew of the presence of mysterious people in this country, it being kept in mind that Burger had talked in German in the presence of the Coast Guardsman. He also discovered very shortly after the landing that he had lost the notebook which contained addresses of persons who probably would be able to identify him.

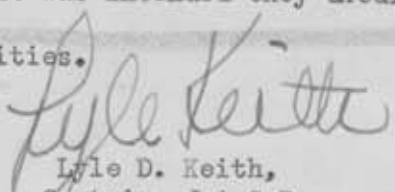
So far as Burger is concerned, and his story to the effect that he probably dropped the several articles (cigarettes and items of clothing) on the beach to make certain that the landing would be discovered, it is rather difficult to become convinced of the truthfulness of that statement. Dasch says that Burger was excited by the discovery on the part of the Coast Guardsman of Dasch. It seems far more reasonable that the articles dropped by Burger were dropped as a result of excitement rather than as an effort on his part to lead American officials to them. None of his subsequent activities can be rationalized with that statement. If he dropped the cigarettes, German cap and other articles for the purpose of being discovered, why then from that time on did he do everything that he could to prevent the disclosure of his presence in this country?

It is no defense to a criminal prosecution to come into court and say that "I knew what I was doing, I intended to break the law BUT I didn't intend to break all the laws. I intended to turn State's evidence after some of the crimes had been committed so that the Government might successfully prosecute my co-conspirators". There is nothing peculiar in that attitude on the part of Dasch and Burger. In almost every criminal prosecution of groups of men one or more of them will attempt to save his own skin either after his complicity has been discovered or when he feels reasonably certain that it will be discovered, by coming to the prosecuting officials and telling a part of the story. One may always be certain that anyone who will sell out in an effort to secure either exemption from prosecution or leniency will minimize in every way possible his participation in the offense.

It seems to me that there cannot be any conceivable defense to the conspiracy charged because both Burger and Dasch have openly admitted that they entered into the conspiracy and both of them, along with the others, admittedly performed many overt acts. Those facts alone are sufficient to establish their guilt upon that charge.

If we assume that the statements of Burger and Dasch are true, the most that can be said for them is that with their eyes open they entered into the performance of several criminal acts with full knowledge on their part as to the criminal nature of the acts. There is no absence of intent. What they are attempting to say now is that "we knew what we were doing. We intended to do everything that we did BUT our motives were salutary, our motives were good. We decided to perform these criminal acts so that we might help to destroy Naziism and relieve our people from the oppressions of the Hitler regime". In attempting to take that stand they are confusing motive and intent. What their motives may have been in performing the criminal acts which they performed is immaterial. The important thing is that by their own admissions they have violated at least one of the Articles of War and the Rules of War and have conspired to violate at least two Articles of War and the Rules of War. Their statements, viewed in their most favorable light, cannot relieve them from those inescapable facts.

Neither of them, until the day of Dasch's revelation to the Federal Bureau of Investigation, can be said to have withdrawn from the conspiracy. Both of them, up until that time, were just as free to continue in the conspiracy as they had been from the day they were originally selected for the task they later agreed to perform. True, both of them said that at some day in the future they would cease their activities, but until the day in Washington when Dasch told his story, they have not done so. The opportunity was always present up until that day for them to continue as it was intended they should continue in their sabotage and espionage activities.


Lyle D. Keith,
Captain, J.A.G.D.

Major L. Jack
931 Gibson Ave.
Eureka, CA 95501



A/QDA (JAL SCC)
NASSIF Building
Falls Church, Va.

22041

Attn. M.B. Dennis

William Rosenbloom
1298 East Maynard Drive
Apartment #369
St. Paul, Minnesota 55116



United States Army Legal Services Agency
Attention: JALS-CC
5611 Columbia Pike
Falls Church, Virginia 22041

1248 E. Maynard Ave.
#369
St Paul, MN 55116



RETURN RECEIVED
REQUESTED

CERTIFIED

P00 4430352

MAIL

Jones, D. Kemper, Jr.
Clerk of Court
Dept. of the Army
U.S. Army Judiciary
Nassif Bldg.
Falls Church, Va. 22041



JALS-CCO CM 334178

26 February 1982

Major Floyd E. Jack
USAF, Retired
831 Gibson Avenue
Eureka, California 95501

Dear Major Jack:

This is in further reply to your letter of 16 February 1982 regarding the availability of the proceedings of the Military Commission that tried the Nazi saboteurs in 1942.

The above-referenced general court-martial transcript which is on file in this office is not on microfilm, and therefore not available through inter-library loan. However, I have located several research sources which may be of help to you. A manuscript entitled "History of the Eastern Defense Command" authored by the US Army Eastern Defense Command can be obtained through: Modern Military Branch, National Archives and Records Services, GSA, Washington, D.C. 20409. Another publication entitled "Captured German Documents" can also be obtained through Archives.

The following books can be borrowed through inter-library loan by providing your local library with the title, author and call number. The address your library should use is: Inter-Library Loan Desk, US Army Military History Institute, Carlisle Barracks, Pennsylvania 17013.

1) "Guarding the U.S. and its Outposts", by Stetson Conn, #D769A533, Vol 12, Part 2 (See particular Chapter 4).

2) "Nazi POWS in America", by Arnold Krammer, published in 1979 in N.Y., #D805U6K7.

3) "Stalag USA" by Judith Gansberg, #D805U6G36.

4) "The Game of the Foxes", by Ladislav Farago, #D810S7F33.

JALS-CCO CM 334178
Major Floyd E. Jack

26 February 1982

5) "FBI Story" by Don Whitehead, #HV8141W45 (see particularly Chapter 22).

6) "Hitler's Spies & Saboteurs" by Charles Wighgon and Guenter P. Reid, #D810S8L262 (See particularly Chapter 26).

7) "What You Should Know About Spies and Saboteurs" by Will Irwin & Thomas Johnson, #UB270I7.

The books can be loaned up to 60 days, through the inter-library loan system.

Also, the Military History Institute suggested that the Hoover Institute at Stanford University would be an excellent library for your research.

In the future if you plan to be in the Washington area, and desire to review the court-martial transcripts, please allow this office 2 weeks advance notice and we will have the records available for your research.

Sincerely yours,



MARY B. DENNIS
Deputy Clerk of Court

AO: DENNIS/pls

DISPATCHED
CLERK OF COURT
FEB 26 10 35 AM '82
US ARMY JUDICIARY

R E C E I P T

I hereby acknowledge receipt of a copy of the record of
trial by general court-martial in the case of United States
v. eight Nazi saboteurs, at Washington, D.C. in July 1942.
(CM 334178).

NAME

DATE

ADDRESS

JALS-CCO CM 334178

30 January 1980

Mr. William Rosenbloom
1298 East Maynard Drive
Apartment #369
St. Paul, Minnesota 55116

Dear Mr. Rosenbloom:

This is in reply to your letter of 17 January 1980 in which you request under the Freedom of Information Act, trial records for eight Nazi saboteurs tried and convicted in 1942.

The records you request consists of 18 volumes of which there exists photostatic copies of 16 volumes. Photostatic copies of Volumes 1 and 15 are missing and must be reproduced. The cost for these would be \$18.15. You may have the remaining copies free of charge. In addition, the postal fees for shipping 48 pounds of records amounts to \$27.72.

Upon receipt of a certified check or money order payable to the Treasurer of the United States in the amount of \$45.87, the records will be forwarded to you.

Sincerely yours,

^{Signed}
JAMES D. KEMPER, JR.
Clerk of Court

RECEIVED
JAN 31 1980
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Dear Sir
rec'd 17 Feb 80 Please find Postal Money order
45.87 enclosed.
1MO#25329701136 Thanks for -
William Rosenbloom

JALS-CCO CM 334178

30 January 1980

Mr. William Rosenbloom
1298 East Maynard Drive
Apartment #369
St. Paul, Minnesota 55116

Dear Mr. Rosenbloom:

This is in reply to your letter of 17 January 1980 in which you request under the Freedom of Information Act, trial records for eight Nazi saboteurs tried and convicted in 1942.

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Sincerely yours,



JAMES D. KEMPER, JR.
Clerk of Court

CF: JALS-ZA/CPT MacIntyre
DAJA-ZX/Enid Strider, Rm 2E444, Pnt

AO: KEMPER/pls

DISPATCHED
CLERK OF COURT
JAN 30 3 43 PM '80
US ARMY JUDICIARY

MEMORANDUM
OF CALL

TO:

☐ YOU WERE CALLED BY—

☐ YOU WERE VISITED BY—

OF (Organization)

☐ PLEASE CALL → PHONE NO. CODE/EXT. ☐ FTS

☐ WILL CALL AGAIN

☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL

☐ WISHES AN APPOINTMENT

MESSAGE

ST. PAUL, MN =

29. lbs.

12.61
.80
45

POSTAGE
CERTIFIED MAIL
RET. RECEIPT

13.86
27.72

RECEIVED BY

DATE

TIME

63-109

*GPO: 1978-261-700/7

STANDARD FORM 63 (Rev. 8-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.6

Vol 1 missing

Vol 15 "

18 total

Search Fee x 2952 5.50
2.00

First 6 pgs

2946 pgs @ .05 147.30

\$154.80

219
5
\$10.95

10.85
5.50
2.15
18.15

334178

1298 East Maynard Drive
Apartment #369
St. Paul, Minnesota 55116
January 17, 1980

198
(51)

United States Army Legal Services Agency
Attention: JALS-CC
5611 Columbia Pike
Falls Church, Virginia 22041

RE: Freedom of Information Act Request

Gentlemen:

The Modern Military Branch at the National Archives suggested I send this Freedom of Information Act request to you.

Therefore, under the provisions of the Freedom of Information Act, 5 U.S.C. 552, I am requesting access to:

- (1) The trial records for the eight Nazi saboteurs who landed in the United States by U-Boat in 1942.

These men were convicted on August 1, 1942, and sentenced on August 7, 1942.

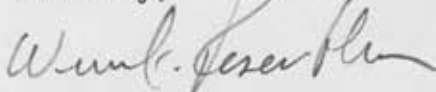
Two of the eight convicted, Ernest Peter Burger and George John Dasch, were not executed.

The other individuals involved were Richard Quirin, Heinrich Harm Heinck, Hans Haupt, Edward John Kerling, Werener Thiel and Herman Otto Neubauer.

I understand at one time there was a document entitled "Stenographic Transcript of Proceeding" before the Military Commission to try persons charged with offenses against the Law of War and the Articles of War (July 8, 1942).

Please supply the requested information to me if the fees do not exceed \$100.00.

Sincerely,



William Rosenbloom

RECEIVED
JAN 21 1980
OFFICE OF CONVI
JAN 21 1980

Laurel California
1. IV. 82

Dear Ms. Dennis,

How thoughtful of you to provide such a helpful bibliography for my research.

I do appreciate your kindness and will be launching my project shortly. I am not entirely certain where it will all lead but I rather suspect the German Admiral Canaris may have betrayed the Germans who were landed here. At any rate, I do thank you for your help!

Sincerely,
Floyd Jack

TELEPHONE OR VERBAL CONVERSATION RECORD For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.		DATE 11/24/82
SUBJECT OF CONVERSATION Nazi saboteur case / 334178		
INCOMING CALL		
PERSON CALLING Mr. Mendelsohn	ADDRESS Nat'l Archives / Modern Mil Field Branch.	PHONE NUMBER AND EXTENSION
PERSON CALLED Mary Dennis	OFFICE Office of Clerk of Court	PHONE NUMBER AND EXTENSION
OUTGOING CALL		
PERSON CALLING 	OFFICE 	PHONE NUMBER AND EXTENSION
PERSON CALLED 	ADDRESS 	PHONE NUMBER AND EXTENSION
SUMMARY OF CONVERSATION: Mr. Mendelsohn confirms the original record is in the custody of the Roosevelt Library / Hyde Park, NY. 11/24/82 Mr. Robert Parks (914) 229-8114 called from the Roosevelt Library - The original record w/ exh & photographs along with the President's file on Nazi spies is in the custody of the library (part of Nat'l Archives). Forward correspondence to: Mr. William R. Emerson Director Franklin D. Roosevelt Library Hyde Park, NY 12538 Over 4000 pages in complete file - currently charging 25¢ a page.		

JALS-CCO CM 334178

18 November 1982

Mr. William K. Rosenbloom
1893 Worchester
St. Paul, Minnesota 55116

Dear Mr. Rosenbloom:

This is in reply to your letter dated 7 September 1982 and your request for information regarding the transcript of the eight Nazi saboteurs tried and convicted in 1942 of war crimes. My apologies for the delay in responding to your inquiry, however, the records must be ordered from the records repository and forwarded to my office. As you know, this always causes a considerable delay.

I have researched all volumes of this record and cannot locate the exhibits which you request. Apparently, the copy which is in our custody contains neither the exhibits nor the photographs. I am advised that in past years many attempts have been made to locate the original record. In fact, I have recently written to several government agencies for information on this subject. Should my research prove successful, I will notify you of any further available information.

I regret that I am unable to provide you with the information which you request.

Sincerely,



MARY B. DENNIS
Deputy Clerk of Court

DISPATCHED
CLERK OF COURT
NOV 22 12 57 PM '82
U.S. DISTRICT COURT

18 November 1982

Librarian
Roosevelt Library
Hyde Park, New York 12538

Gentlemen:

This office receives requests from government officials, authors and the general public for information regarding general and special court-martial records of trial. All retired court-martial records are physically located in the Washington National Records Center, Suitland, Maryland, even though the records are under the custody of the Clerk of Court, U. S. Army Judiciary.

One record for which we receive numerous requests each year concerns the trial and conviction of eight Nazi saboteurs who landed in the United States by U-Boat in 1942 (CM 334178). Following are the names of the individuals who were convicted of war crimes on August 1, 1942 and executed on August 7, 1942:

Burger, Ernest Peter*
Dasch, George John*
Heinck, Henry Harm
Quirin, Richard
Kerling, Edward John
Haupt, Herbert Hans
Neubauer, Hermann Otto
Thiel, Werner

Sentenced.

*not executed

The purpose of this request is to locate the original record of trial complete with all the photographs and exhibits. A search of early correspondence reveals that the original record may be part of the Roosevelt Papers. This office is only in custody of an incomplete, brittle, tissue copy.

It is my hope that the original record can be located, permanently stored with the remainder of the transcript, and thus made available to future historians. Should you have any questions regarding this request, please call me at (202) 756-1758, 1780.

Sincerely,

M

MARY B. DENNIS
Deputy Clerk of Court

DISPATCHED
CLERK OF COURT
NOV 22 12 55 PM '82
U.S. ARMY JUDICIARY

JALS-CCO CM 334178

18 November 1982

National Archives
Military Archives Division
Modern Military Field Branch
ATTN: Mr. John Mendelsohn
Washington, D.C. 20409

Dear Mr. Mendelsohn:

This is in reference to a record for which we receive numerous requests each year. It concerns the trial and conviction of eight Nazi saboteurs who landed in the United States by U-Boat in 1942. Following are the names of the individuals who were convicted of war crimes on August 1, 1942 and sentenced on August 7, 1942:

Burger, Ernest Peter*
Dasch, George John*
Heinck, Henry Harm
Quirin, Richard
Kerling, Edward John
Haupt, Herbert Hans
Neubauer, Hermann Otto
Thiel, Werner
*not executed

The purpose of this request is to locate the original record of trial complete with all the photographs and exhibits. This office is only in custody of an incomplete, brittle tissue copy (CM 334178), permanently stored at Washington National Records Center, Suitland under accession number 153-79-0015/8/92-45-3-3, and presently on loan to this office. A search of early correspondence reveals a copy of a letter dated 28 November 1945 signed by President Truman, authorizing the War Department to release the record from seal. The letter further states "the original record is on deposit in the National Archives together with other papers of President Roosevelt" ...

It is my hope that the original record can be located, permanently stored with the remainder of the transcript, and thus made available to future historians. Would your office have any information in this regard?

Should you have any questions regarding this request, please call me at 756-1758, 1780.

Sincerely yours,

M

MARY B. DENNIS
Deputy Clerk of Court

NOV 22 1982

DISPATCHED
CLERK OF COURT

18 November 1982

Department of Justice
Research & Reference Office, Rm 5319
10th & Constitution Avenues
Washington, D. C. 20530

Gentlemen:

This office receives requests from government officials, authors and the general public for information regarding general and special court-martial records of trial. All retired court-martial records are physically located in the Washington National Records Center, Suitland, Maryland, even though the records are under the custody of the Clerk of Court, U. S. Army Judiciary.

One record for which we receive numerous requests each year concerns the trial and conviction of eight Nazi saboteurs who landed in the United States by U-Boat in 1942 (CM 334178). Following are the names of the individuals who were convicted of war crimes on August 1, 1942 and sentenced on August 7, 1942:

Burger, Ernest Peter*
Dasch, George John*
Heinck, Henry Harm
Quirin, Richard
Kerling, Edward John
Haupt, Herbert Hans
Neubauer, Hermann Otto
Thiel, Werner

*not executed

The purpose of this request is to locate the original military commission record of trial complete with all the photographs and exhibits. This office is only in custody of an incomplete, brittle, tissue copy. A search of early correspondence reveals that the original record was on file in the Department of Justice (Mr. Foley, DJ, Rm 2212, DJ Building, Ext. 182) (possibly the early 50's).

It is my hope that the original record can be located, permanently stored with the remainder of the transcript, and thus made available to future historians. Should you have any questions regarding this request, please call me at 756-1758, 1780.

20 NOV 15 21 22 NOV Sincerely,

DISPATCHED
CLERK OF COURT

M
MARY B. DENNIS
Deputy Clerk of Court

18 November 1982

Department of State
Foreign Affairs Office
2201 C Street, N.W., Rm 1239
Washington, D. C. 20520

Gentlemen:

This office receives requests from government officials, authors and the general public for information regarding general and special court-martial records of trial. All retired court-martial records are physically located in the Washington National Records Center, Suitland, Maryland, even though the records are under the custody of the Clerk of Court, U. S. Army Judiciary.

One record for which we receive numerous requests each year concerns the trial and conviction of eight Nazi saboteurs who landed in the United States by U-Boat in 1942 (CM 334178). Following are the names of the individuals who were convicted of war crimes on August 1, 1942 and sentenced on August 7, 1942:

Burger, Ernest Peter*
Dasch, George John*
Heinck, Henry Harm
Quirin, Richard
Kerling, Edward John
Haupt, Herbert Hans
Neubauer, Hermann Otto
Thiel, Werner
*not executed

The purpose of this request is to locate the original military commission record of trial complete with all the photographs and exhibits. This office is only in custody of an incomplete, brittle, tissue copy.

It is my hope that the original record can be located, permanently stored with the remainder of the transcript, and thus made available to future historians. Should you have any questions regarding this request, please call me at 756-1758, 1780.

Sincerely,

M

MARY B. DENNIS
Deputy Clerk of Court

US ARMY JUDICIARY
NOV 22 12 54 PM '82
CLERK OF COURT
DISPATCHED

2.86
3.03
5.89

(229)

Quinn, et al
334178

9/14

1893 Worcester
St. Paul, MN 55116
September 7, 1982

U.S. Army Legal Services Agency
5611 Columbia Pike
Falls Church, Virginia 22041

Attention: James D. Kemper, Jr.
Clerk of Court

Dear Mr. Kemper:

Some time ago you made available to me the 18 volume transcript for the eight Nazi saboteurs tried and convicted in 1942.

As you know, the exhibits were not included in the transcript.

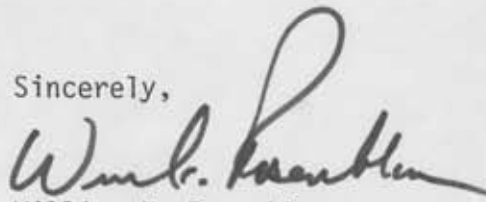
I would, therefore, appreciate receiving copies from you of the following:

1. Volume I Prosecution #12 - 12½ chart showing areas comprising Eastern Sea Frontier June 12-18 and paper describing area by metes and bounds.
2. Volume I Prosecution 13A to 13I Map showing coast of Long Island, Coast Guard Stations and directions.
3. Page 2275 - Defendant "M" map attached to Exhibit L
4. Volume II Prosecution 13-C Map, U.S. Coast Guard Lookout Station.

Please bill me for the amount involved.

Thank you for your continued help.

Sincerely,


William K. Rosenbloom

1893 Worcester
St. Paul, MN 55116



U.S. Army Legal Services Agency
5611 Columbia Pike
Falls Church, Virginia 22041

cc

(4)
334178 K
QUIRIN, et al
712
831 Gibson Ave.
Eureka, CA 95501
2 January 1982

U.S. Army Legal Services Agency
5611 Columbia Pike
Falls Church, VA 22041

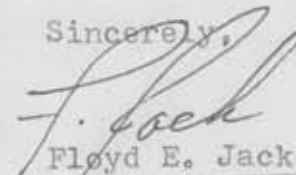
Gentlemen:

I am interested in gaining access to the courts martial records of the eight German agents who were landed in this country in 1942. Six of them were executed in the District of Columbia on 8 August of that year.

It was my understanding the records and the Supreme Court's arguments were in custody of GSA's Modern Military Branch of the Military History Division, but they have given me your address as custodian of the records.

I am interested in reviewing the records for a writing project with view of publication. I am also interested in obtaining such photographs as may be available of the men and their trial.

Sincerely,


Floyd E. Jack

Major USAF (ret)

RECEIVED

JALS-CCO CM 334178

10 February 1982

Major Floyd E. Jack
USAF, Retired
831 Gibson Avenue
Eureka, California 95501

Dear Major Jack:

This is to acknowledge receipt of your letter dated 2 January 1982 in which you express an interest in reviewing the proceedings of the military commission that tried the Nazi saboteurs in 1942.

The above-referenced case which contains eighteen volumes is currently on loan to this office from the Washington National Records Center. This material can be made available for your research in this office any business day between the hours of 7:45 - 4:15. This office is located in Room 204C, the Nassif Building, 5611 Columbia Pike, Falls Church, Virginia.

The case will be returned to the records repository after thirty days, unless you notify this office of the date of your anticipated arrival (202) 756-1758.

I trust this information will be of assistance to you.

Sincerely yours,

M

MARY B. DENNIS
Deputy Clerk of Court

AO: DENNIS/pls

DISPATCHED
CLERK OF COURT
FEB 10 2 02 PM '82
US ARMY JUDICIARY

Major Floyd E. Jack
831 Gibson Ave.
Eureka, CA 95501



U.S. Army Legal Services Agency
5611 Columbia Pike
Falls Church, VA 22041



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041

REPLY TO
ATTENTION OF

JALS-CCO CM 334178

10 February 1982

Major Floyd E. Jack
USAF, Retired
831 Gibson Avenue
Eureka, California 95501

Dear Major Jack:

This is to acknowledge receipt of your letter dated 2 January 1982 in which you express an interest in reviewing the proceedings of the military commission that tried the Nazi saboteurs in 1942.

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The case will be returned to the records repository after thirty days, unless you notify this office of the date of your anticipated arrival (202) 756-1758.

I trust this information will be of assistance to you.

Sincerely yours,

Mary B. Dennis

MARY B. DENNIS
Deputy Clerk of Court



? 16.II.82

1. Have these volumes been microfilmed and, if so, are they available through interlibrary loan?

2. I will not be in Virginia prior to your return date for the volumes so do not delay their return on my behalf.

F. Jack

TELEPHONE OR VERBAL CONVERSATION RECORD		DATE
For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.		25 Feb 1982
SUBJECT OF CONVERSATION Nazi Saboteurs — publications to assist in research.		
INCOMING CALL		
PERSON CALLING	ADDRESS	PHONE NUMBER AND EXTENSION
PERSON CALLED	OFFICE	PHONE NUMBER AND EXTENSION
OUTGOING CALL		
PERSON CALLING	OFFICE	PHONE NUMBER AND EXTENSION
PERSON CALLED	ADDRESS	PHONE NUMBER AND EXTENSION
M. Dennis	U.S. Army Military History Institute	AN 242-3611
SUMMARY OF CONVERSATION		
Advise researcher to provide local library with title, author + call number and address request to: Inter-library Loan Desk, U.S. Army Military History Institute, Carlisle Barracks, Pennsylvania 17013: 1- "Guarding the U.S. and its Outposts" — by Stetson Conn, # D769A533, Vol 12, Part 2 (See chap 4) 2- "Nazi Pows in America", by Arnold Krammer, (1979, NY) # D805U6K7 3- "Stalag USA" by Judith Gansberg # D805U6G36 4- "The Game of the Foxes", by Ladislav Tarago, # D81057F33 5- "FBI Story", by Don Whitehead, # HV8141W45 (See chap 22) 6- "Hitler's Spies & Saboteurs" by Charles Wigham and Guenter P. Reid, # D81058L262 (See chap 26) 7- "What you should know about spies and saboteurs" by Will Irwin & Thomas Johnson, # UB270I7. — Also a manuscript — "History of the Eastern Defense Command" — obtain three archives		

~~11/3/77~~
11/4/77 - talked with Brenda Deasley, Nat'l
Archives who spoke with John Taylor in
Modern Military Sec. They suggested
that I talk with Mr. Bob Moschetti,
523-3266 -

Mr. Moschetti said I should send
letter to:

Legislation, Judiciary & Fiscal Branch
Room 2E

ATTN: Mr. Clarence Lyons, Chief
National Archives Building
Washington, D.C. 20408.

He would not state that the original
record was at the Archives but had
some material on the Supreme Court case.
(Brenda Deasley and John Taylor seemed
to believe that the original Military
Commission record with exhibits is at the
Justice Department).

J. Hurrell

JAAJ-CC

18 January 1977

Legislative, Judicial and Fiscal Branch
Room 2E
ATTN: Mr. Clarence Lyons
National Archives Building
Washington, D. C. 20408

Dear Mr. Lyons:

The inclosed letter from Phillip M. Margolin is forwarded to your office for reply in accordance with verbal instructions from Mr. Don Mossholter, telephone 523-3266. The writer has been informed of this referral.

Sincerely yours,

- 2 Incl
1. Ltr fr Margolin
2. JAAJ-CC reply

LH
LAURA E. HEARRELL
Deputy Clerk of Court

AO: HEARRELL/pls



JAAJ-CC CM 334178

18 January 1977

Phillip M. Margolin, Esquire
909 Oregon National Bank Building
610 S.W. Alder Street
Portland, Oregon 97205

Dear Mr. Margolin:

This is in reply to your letter of 10 December 1976 requesting access to the records pertaining to En Parte Quirin, 317 U.S. 1 (1942).

As the original record and exhibits before the military commission in this case are not available from this office, your request has been forwarded to the National Archives. For further information you should contact:

National Archives and Records Service
Legislative, Judicial and Fiscal Branch
Room 2E
ATTN: Mr. Clarence Lyons
National Archives Building
Washington, D. C. 20408

Sincerely yours,

LAURA E. HEARRELL
Deputy Clerk of Court

CF: National Archives & Records Service

AO: HEARRELL/pls



Nazi Saboteurs captured
on Long Island

CM # 334178

Burger, Ernest Peter

Dasch, George John

Haupt, Herbert

Heinck, Heinrich Harm

Kerling, Edward John

Heubauser, Herman

Quirin, Richard

Thiel, Werner

DISPOSITION FORM

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

REFERENCE OR OFFICE SYMBOL

SUBJECT

SAPA-PI

Referral of Correspondence

TO DAJA PAO

JAAJ-CC

FROM

SAPA-PI

DATE 1 Aug 77

CMT 1

LTC Waite/sg/72351

1. The attached correspondence is forwarded for:

☒ whatever disposition is deemed appropriate.☒ direct reply. The writer has not been advised of this referral.☐ information on which to base a reply.☐ comments and/or recommendations on proposed answer(s) to attached questions(s).☐ Other

2. Request reply by

FOR THE CHIEF OF PUBLIC AFFAIRS:

1 Incl

Ltr fr F. Wolfgram
Playa Del Rey, CAHUGH G. WAITE
Lieutenant Colonel, US Army
Chief, News Branch
Public Information Division

Referral of Correspondence

DAJA PAO

1 Aug 77
LTC Waite/sg/72351

XX

XX

1
Ltr fr F. Wolfgram
Playa Del Rey, CA

Information Office
Department of the Army
Washington, D.C.

WOLFGRAM
81st Street
California 90291

Telephone
(213) 821-5888

July 26, 197

Gentlemen:

I am doing some research on a famous espionage case of World War II. In June, 1942 eight Nazi saboteurs were landed by submarine on the east coast of the U.S. They were caught, tried by a military court and executed.

I am writing to request that I be allowed to purchase copies of all of the records that the Army has about this case. In particular I need the transcript of the trial and pictures of the saboteurs, evidence, etc.

Your help in this matter will be greatly appreciated.

Sincerely,
Friedrick Wolfgram

334178 Burger et al

Vols I - ^{*}XVIII

2967

Charge Sheet (in Vol XIX,
folder 3 of 3)

4

Brief of Evidence in the case
of a Trial before a
Military Commission
(Corresp. file # XV,
part 2 of 2 parts)

145
3116

* Page 272 missing

JAAJ-CC CM 334178

22 August 1977

Mr. Frederick Wolfgram
7727 West 81st Street
Playa Del Rey, California 90291

Dear Mr. Wolfgram:

This is in reply to your letter dated 26 July 1977 in which you request a copy of the record of trial concerning eight German saboteurs, Burger et al.

The only record of trial by military commission available from this office in this case is a carbon copy which does not contain exhibits or photographs. The cost for reproducing the available material is \$163.00. Upon receipt in this office of a certified check or money order in that amount made payable to the United States Treasury, a copy will be provided. Alternatively, you should contact the custodian of the original record at the following address:

National Archives and Records Service
Legislative, Judicial and Fiscal Branch
Room 2E
ATTN: Mr. Clarence Lyons
National Archives Building
Washington, D. C. 20408

In the event you want a copy of the carbon copy without exhibits, request you inform this office within 30 days, otherwise the record will be returned to our records repository in Suitland, Maryland.

Sincerely yours,

YEH
LAURA E. HEARRELL
Deputy Clerk of Court



AO: HEARRELL/pls

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXX~~

MFR: Fee computed	
Search Fee 3116 pgs	\$ 5.50
First six pgs	2.00
3110 pgs @ .05	155.50
	\$163.00



DEPARTMENT OF THE ARMY
UNITED STATES ARMY JUDICIARY
NASSIF BUILDING
FALLS CHURCH, VIRGINIA 22041

REPLY TO
ATTENTION OF:

JALS-CCO CM 334178

13 November 1978

SUBJECT: Record of Trial by Military Commission of George
John Dasch, et al

Office of Public Affairs News Branch
ATTN: Major Leon Delorme, SAPA-PI
Room 2E641, The Pentagon
Washington, D. C. 20310

1. In accordance with your telephone request of 2 November 1978, inclosed is the original record of the trial by military commission in subject case.

2. It is requested that this record of trial be exhibited only to those individuals who may have an official interest in this matter, that nothing be removed therefrom, that no markings be made thereon, and that it be returned intact by registered mail or messenger to this office when it has served the purpose for which it is being released. It is further requested that the inclosed form of receipt be signed by an officer and returned to this office as soon as possible.

3. If your need for this record of trial exceeds thirty days, it is requested that this office be notified of the expected date of return.

FOR THE JUDGE ADVOCATE GENERAL:

James D. Kemper, Jr.

JAMES D. KEMPER, JR.
Clerk of Court

- 2 Incls
1. Form of Receipt
2. Orig RT w/allied
papers (CM 334178)

*Returned
1 DEC 78
JDR*



JALS-CCO CM 334178

13 November 1978

SUBJECT: Record of Trial by Military Commission of George
John Dasch, et al

Office of Public Affairs News Branch
ATTN: Major Leon Delorme, SAPA-PI
Room 2E641, The Pentagon
Washington, D. C. 20310

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3. If your need for this record of trial exceeds thirty days, it is requested that this office be notified of the expected date of return.

FOR THE JUDGE ADVOCATE GENERAL:

2 Incls
1. Form of Receipt
2. Orig RT w/allied
papers (CM 334178)

JAMES D. KEMPER, JR.
Clerk of Court

R E C E I P T

I hereby acknowledge receipt of the original record of trial
(24 volumes) by military commission of George John Dasch,
et al, convened at Washington, D. C., on 8 July 1942
(CM 334178).

13 Nov 48
Sam'l. L. Lorne *MAS*

(NAME) (RANK) (DATE)

SAPA-PI

(ADDRESS)

Order rec'd of
Benze John Dasech
(Military Commission)
and send to

Office of Public Affairs
News Branch

JAPA-PI

OX 7-2352

Rm 2E-641

The Pentagon

Attn: Major ?

Request made on De Lorme
2 Nov 78.

Leon Delorme

CM 334178

Call taken by Mr. Dinger 12
Nov 78

TELEPHONE OR VERBAL CONVERSATION RECORD

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

DATE

SUBJECT OF CONVERSATION

INCOMING CALL

PERSON CALLING

ADDRESS

PHONE NUMBER AND EXTENSION

PERSON CALLED

OFFICE

PHONE NUMBER AND EXTENSION

OUTGOING CALL

PERSON CALLING

OFFICE

PHONE NUMBER AND EXTENSION

PERSON CALLED

ADDRESS

PHONE NUMBER AND EXTENSION

SUMMARY OF CONVERSATION

57A-0104

08-37-51-7-0

41 1953

ordered
11/2/58

DA FORM 751
1 APR 66

REPLACES EDITION OF 1 FEB 58 WHICH WILL BE USED.

★ GPO: 1965 O — 343-778-84

LS-5787-000-CH

~~Major Leon Delorme, SAPA-PI
Office of Public Affairs News Branch
Room 2E641, Pentagon~~

OX7-2352

2 boxes (CM 334178)

MEMO ROUTING SLIP		NEVER USE FOR APPROVALS, DISAPPROVALS, CONCURRENCES, OR SIMILAR ACTIONS		ACTION
1 TO	Col. George F. Westerman, JAG-A	INITIALS	CIRCULATE	
		DATE	COORDINATION	
2			FILE	
			INFORMATION	
3			NOTE AND RETURN	
			PER CON- VERSATION	
4			SEE ME	
			SIGNATURE	
REMARKS				
Thank you.				
FROM		DATE		
Donald L. Martin <i>DM</i>		19 Feb 65		
AGAL-Law 1A522, X72491		PHONE		
		X72491		

THE CITY COLLEGE
OF
THE CITY UNIVERSITY OF NEW YORK
NEW YORK 31, N. Y.

DEPARTMENT OF HISTORY

February 12, 1965

Head Librarian
The Pentagon
Arlington, Virginia

Dear Sir:

I would appreciate it if you would inform me if I can read in your library the Proceedings of the Military Commission appointed by Order of the President of the United States on July 2, 1942. The decision was appealed to the United States Supreme Court, Ex Parte Quirin, 317 U.S. 1. Also, would you have a copy of the Record on Appeal which was prepared by the Judge Advocate General's office for this case?

With many thanks for your help, I am

Respectfully yours,



Fred L. Israel
Assistant Professor

JAGA 1965/3611

Information concerning the requested "Record on Appeal" was furnished by Mr. Nelson of the Department of Justice (IDS Code 187, Ext 2341).

None of the records involved are classified. They were ordered "sealed" by President Roosevelt for the duration of the war. This restriction was removed by President Truman shortly after the close of the war.

JAGA 1965/3611

Note for retained copies: 1. Source of inquiry: MRS from Mr. Donald L. Martin, Law Br., Army Library (Ext 72491), dtd 19 Feb 65 (see copy attached to "green").

2. Supporting material furnished: None copied.

3. Laws and regulations: None copied.

4. Attached to "green":

a. Ltr from Mr. Fred L. Israel, dtd 12 Feb 65.

b. Receipt, dtd 9 March 1965.

5. Mr. Israel in Ref 4a requests certain records pertaining to the proceedings against the Nazi saboteurs landed by German submarine in New York and Florida during WW II. The matter was considered by the Supreme Court of the United States in Ex Parte Quirin, 317 U.S. 1 (1942).

Miss Minogue (Ext 44070) of Records Control and Analysis Division of Clk of Ct., U.S. Army Judiciary, forwarded to Capt Allen all records in the Army's custody in this case. These records consist of:

1. A transcript of the proceedings before the military commission in this case (18 vols).

2. A copy of the above transcript (17 vols - Vol 1 of the original transcript apparently was not copied).

3. Five volumes containing correspondence, briefs of evidence, statements of defendants, FBI reports, etc. (Vol 18 (3 parts) and Vol 20 (2 parts); Volume 19, if it exists, was not forwarded to this office).

Miss Minogue subsequently confirmed that the Army has no other records in this case.

Mr. Martin of Law Br., Army Library, has agreed to keep the requested records and provide Mr. Israel a place to read them. He has further agreed to contact Mr. Israel regarding the time the records will be available and other details. Vols 1-18 of the original transcript (category No. 1, supra), were transferred to Mr. Martin's custody (see receipt attached to "green"). The remaining records were returned to Miss Minogue.

JAGA 1965/3611

2-X
8 MAR 1965

Mr. Fred L. Israel
Assistant Professor
The City College of
The City University of New York
New York 31, New York

Dear Mr. Israel:

Your letter to the Head Librarian, the Pentagon, requesting access to records pertaining to Ex Parte Quirin, 317 U.S. 1 (1942), has been forwarded to this office for reply.

The proceedings before the military commission in this case will be made available to you at the Army Library, Pentagon, Washington, D. C. Mr. Donald L. Martin of the Law Branch of the Army Library will contact you regarding the exact times these records will be available, and other details.

The Record on Appeal, which you requested, is not contained in Army files. It is possible that such a document is contained in the records of the Department of Justice. Further inquiry in this respect, which should contain specific details, should be addressed to:

Mr. J. Walter Yeagley
Assistant Attorney General
Internal Security Division
Department of Justice
Washington, D. C.

I trust this will be of assistance to you.

Sincerely yours,

W INN
SIGNED
WILLIAM M. NICHOLS
Lieutenant Colonel, JAGC
Chief, General Law Branch
Military Affairs Division

#3611 Capt Allen/jmm/jmm/54341

Please return to:
RECORDS BRANCH, Research Center
OTJAG, Dept. of the Army

6-19

1965/3611

JAGA 1965/3611

9 March 1965

0717
9-8-75

Please return to:
RECORDS BRANCH, Research Center
OTJAG, Dept. of the Army

THE CITY COLLEGE
OF
THE CITY UNIVERSITY OF NEW YORK
NEW YORK, N. Y. 10031

DEPARTMENT OF HISTORY

June 3, 1966

World War II Records Division
National Archives and Record Service
King and Union Streets
Alexandria, Virginia 22314

Gentlemen:

I have permission from the Office of the Adjutant General to examine the records pertaining to The Proceedings of the Military Commission that tried the Nazi saboteurs in 1942 -- record group 334178.

I would like to begin a detailed search of these records beginning approximately the last week in June. Can you inform me where I may use these records? During March 1965 I used this material in the Law Branch of The Army Library -- but I will do what is most convenient for your staff.

With many thanks for your assistance in this matter,
I am

Respectfully yours,



Fred L. Israel
Assistant Professor

Please address correspondence to my home:

330 East 58th Street
New York, N.Y. 10022

GENERAL SERVICES ADMINISTRATION



National Archives and Records Service
Washington 25, D.C.

June 16, 1966

HMRW
IN REPLY REFER TO:

Professor Fred L. Israel
330 East 58th Street
New York, New York 10022

Dear Professor Israel:

The record of trial of the Nazi saboteurs referred to in your letter of June 3, 1966, is in the Federal Records Center, Region 3, Cameron and Union Streets, Alexandria, Virginia.

Since it will be necessary for the Judge Advocate General to authorize access to the records, I have forwarded your letter to his office for necessary approval. I have informed Mr. Clayton W. Janes, Chief of the Reference Service Section, Military Records Branch, Federal Records Center, of your interest in the records and that I have referred your letter to the Judge Advocate General's Office.

If you have not received your authorization letter by June 22, you may wish to telephone Captain Philip J. Yazbeck of the Judge Advocate General's Office. His telephone number is: Area Code 202, OXford 59555, The Pentagon, Washington, D. C.

Sincerely yours,

Wilbur J. High
Chief, World War II Reference Branch

cc: JAGO ✓

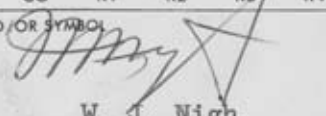


GENERAL SERVICES ADMINISTRATION
ROUTING SLIP

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
1.	The Judge Advocate General's Office										
2.	Department of the Army Washington, D. C.										
3.	Attention: Captain Philip J. Yazbeck Room 2D-444, The Pentagon										
4.											
5.											

- | | | |
|---|--|---|
| ☐ ALLOTMENT SYMBOL | ☐ HANDLE DIRECT | ☐ READ AND DESTROY |
| ☐ APPROVAL | ☐ IMMEDIATE ACTION | ☐ RECOMMENDATION |
| ☐ AS REQUESTED | ☐ INITIALS | ☐ SEE ME |
| ☐ CONCURRENCE | ☒ NECESSARY ACTION | ☐ SIGNATURE |
| ☐ CORRECTION | ☐ NOTE AND RETURN | ☐ YOUR COMMENT |
| ☐ FILING | ☐ PER OUR CONVERSATION | ☐ YOUR INFORMATION |
| ☐ FULL REPORT | ☐ PER TELEPHONE CONVERSATION | ☐ |
| ☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| ☐ PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
 W. J. Nigh						NMRW					
						TELEPHONE				DATE	
						1253 x85		6/16/66			

COURT-MARTIAL RECORD ROOM

Claude K. Dasch

35-6347

Please file
w/ Dasch + Burger

66
4062

JAGA 1966/4062

1 JUL 1966

Mr. Clayton W. Janes
Chief, Reference Service Section
Military Records Branch
Federal Records Center, Region 3
Cameron and Union Streets
Alexandria, Virginia

Dear Mr. Janes:

Inclosed is a copy of a letter from Professor Israel to the World War II Records Division, National Archives and Record Service, dated 3 June 1966, requesting certain records pertaining to the 1942 trial of Nazi saboteurs. The request was forwarded to this office for comment. Professor Israel has been informed of this referral.

There is no legal objection to making available to Professor Israel, Volumes 1-18, containing an original "Stenographic Transcript of Proceedings Before the Military Commission to Try Persons Charged with Offenses Against the Law of War and the Articles of War (Ernest Peter Burger, et al.)."

I trust that this provides the information desired.

Sincerely,

1 Incl
Cy ltr fr Prof Israel
3 Jun 66

KRU
FM
FRED J. MOORE
Major, JAGC
Acting Chief, General Law Branch
Military Affairs Division

SIGNED

Copy furnished:
Professor Fred L. Israel
330 East 53th St.
New York, New York 10022

#4062 CPT Yazbeck/mtl/mq/59555

JAGA 1966/4062

Note for retained copies: 1. Source of inquiry: RS fr Mr. Wilbur J. Nigh, Chief, WW II Reference Branch (Code 1253, Ext 85), dated 16 Jun 1966, requesting necessary action be taken on attached letter from Prof Fred L. Israel -- not copied.

2. Supporting material furnished:

a. Ltr to Prof Israel fr Mr. Wilbur J. Nigh, Chief, WW II Reference Branch, dated 16 Jun 1966 -- not copied.

b. Ltr fr Prof Israel to the WW II Records Div, dated 3 Jun 1966 -- not copied.

3. Laws and regulations: (App. 3)

a. Para. 58, AR 345-200, 9 Nov 1962.

b. AR 345-20, 22 Jun 1965 -- not copied.

c. AR 345-60, 17 Aug 1965 -- not copied.

4. Attached to "green": Ref. 2.

5. By letter, dated 3 Jun 1966, Prof Israel requests, from the WW II Reference Branch, access to certain Army records concerning the proceedings of the military commission that tried the Nazi saboteurs in 1942 (Ex Parte Quirin, 317 U.S. 1 (1942)). The "record group" number 334178, referred to in Prof Israel's letter, is actually the case number of the trial. Mr. Nigh (Code 1253, Ext 85 of the WW II Ref Br) informed a member of this office (CPT Yazbeck) that the requested records were located at the Reference Service Section, Military Records Branch, Federal Records Center, Region 3, and that that agency would require authorization by this office before they would make the records available to Prof Israel. Pursuant to this conversation, Prof Israel's letter, together with Mr. Nigh's interim reply to Prof Israel, was forwarded to this office for comment.

JAGA 1965/3611, 9 Mar 1965, considered an identical request from Prof Israel, and, in that case, this office expressed no legal objection to making available to Prof Israel certain records in the mentioned case. Following that opinion, Vols. 1-18 (consisting of the record of proceedings before the military commission that tried the case) were made available to Prof Israel in the Army Library, located in the Pentagon. There is no reason for this office to depart from this determination. Additionally,

para. 58, AR 345-200, 9 Nov 1962, provides that access to unclassified material in Federal record centers will be governed by "procedures specified by the respective custodians" of the various record centers. Mr. Janes, Chief, Reference Service Section (Code 1253, Ext 357), where Vols. 1-18 are located, has informed a member of this office (CPT Yazbeck) that his section has no objection to releasing the volumes to Prof Israel. Accordingly, there is no legal objection to making available to Prof Israel Vols. 1-18 containing an original "Stenographic Transcript of Proceedings Before the Military Commission to Try Persons Charged with Offenses Against the Law of War and the Articles of War (Ernest Peter Burger, et al.)." A copy of the letter informing Mr. Janes of this determination has been sent to Prof Israel.

It should be noted that in addition to Vols. 1-18, there exist five volumes containing correspondence, briefs of evidence, statements of defendants, FBI Reports, etc. (see JAGA 1965/3611, *supra*). These volumes were not made available to Prof Israel last year and are not being made available to him in the present case. It appears from Prof Israel's letter that he is only requesting to see for a second time the records that were made available to him last year, namely Vols. 1-18.

As there is no reason for this office and the Army Library to become involved in the transfer and custody of these records as they were in the first instance, arrangements for Prof Israel's perusal of the records will be made by the present custodian, Mr. Janes.

as

Additionally, the present request concerns the trial of enemy saboteurs, it does not come within the purview of AR 345-60, 17 Aug 1965, governing release of information pertaining to disciplinary actions against present and former members of the Army, civilian employees, and dependents thereof.

Other office cases considered: JAGA 1966/4011, 14 Jun 1966, where this office considered another request from Prof Israel to view other military documents. Also see AR 345-20, 22 Jun 1965, concerning generally release of DA information and records.

Mr. Cy Fraker, of the Office Management Div, TAGO (Ext 54574), concurred, by telephone, with the proposed procedure in this case. He further informed CPT Yazbeck that it was his opinion that the Federal Records Center was the actual custodian of the records concerned, but that as a matter of practice, custodians request the opinion of the Army on Army records to be released for unofficial research.

The "green" hereof and the "greens" of JAGA 1965/3611, *supra*, and JAGA 1966/4011, *supra*, should be attached.

4
APPENDICES

3. Laws and regulations:

a. Para. 58, AR 345-200, 9 Nov 1962.

58. Use of unclassified files in the National Archives and in Federal records centers. Department of the Army files transferred to the General Services Administration are maintained in the divisions of the National Archives and in the Federal records centers listed in appendix I. Requests for access to unclassified files should be directed to the appropriate element of the General Services Administration having custody of the files to be used in the unofficial research. The head of each of these elements is responsible for authorizing access to unclassified Department of the Army files in his custody and acts on all inquiries relating to the use of these files for unofficial research purposes. Unclassified files and information therefrom are made available for unofficial research purposes under the conditions and procedures specified by the respective custodians.

JAGJ 1961/8729
Cm 334178

DEC 11 1961

MEMORANDUM FOR RECORD

SUBJECT: Request for Copy of Record of Trial by Military Commission of
Burger et al (German Saboteurs)

1. By letter, bearing the letterhead of The New York Times, dated 30 November 1961, Mr. Ben Franklin requested a copy of the record of trial by military commission of the German saboteurs tried in 1942. Mr. Franklin indicated the request was in behalf of a West German magazine, "Quick," which, in his opinion, is a counterpart to the American magazine, "Look."
2. Mr. Franklin made a similar request to the Department of Justice; however, a representative of the Office of Public Information, Department of Justice, called the undersigned and stated that the matter was considered closed in that Department since the Department of the Army was acting on the request.
3. Miss Minogue, Chief, Court-Martial Records Branch, this Division, informed Mr. Franklin that the cost of reproduction of the 18 volumes of the record of trial and administrative costs would amount to \$761.75. Miss Minogue advised him that he must secure the approval of the Chief of the Military Justice Division before she could have the records reproduced. Mr. Franklin indicated he would pay, in advance, the required costs and fees.
4. On 4 December 1961, the undersigned contacted Mr. Thomas K. Hall (Code 187, X 2304), Executive Assistant, Internal Security Division, Department of Justice, and advised him of Mr. Franklin's request. He agreed to have a member of his staff look into the matter and call me back. That afternoon, Mr. Weldon (Code 187, X 2397) contacted the undersigned and advised that it was a general practice in the Department of Justice to permit members of the public to examine that Department's copy of the record. He stated that they had no copies available for distribution to members of the public and was inclined to think that they would not reproduce any such copies.
5. Col G. G. Ackroyd, Chief, this Division, approved Franklin's request for a copy of our copy of the record, provided he furnishes, in advance, prescribed funds to cover costs and fees. Mr. Weldon was advised of the foregoing and concurred in the reproduction of the copy retained in this office and the release of such copy to Franklin.

APPROVAL				COORD		
CH	EXEC	BR CH	ACT O			
	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>			
		<i>[Signature]</i>	<i>[Signature]</i>			

Croft, JW/smh

JAGJ 1961/8729

6. Col Ackroyd then contacted Mr. Franklin (NA 8-3016) by telephone and so advised him. Mr. Franklin also confirmed that he had made a similar request to the Department of Justice. Col Ackroyd directed that Miss Minogue begin preparation to reproduce the 18 volumes in question but to withhold any final commitment until the cash was in hand. The undersigned so advised Miss Minogue.

7. No further action is required of the undersigned; but the matter will be kept open until CMR has received the funds and has furnished the copy to Mr. Franklin.

JOHN W. CROFT
Captain, JAGC
Opinions Branch
Military Justice Division

8. CMR received \$761.75 from Mr. Franklin and
delivered copy of record to him on 8 Dec 61.
JWC

THE CITY COLLEGE
OF
THE CITY UNIVERSITY OF NEW YORK
NEW YORK, N. Y. 10031

DEPARTMENT OF HISTORY

June 6, 1966

William M. Nichols
Lieutenant Colonel, JAGC
Chief, General Law Branch
Military Affairs Division
Department of the Army

Dear Colonel Nichols:

I would appreciate it if you could inform me
where I can locate the following records:

United States Army Middle Pacific (MIDPAC) Records
dealing with the military judiciary in the Hawaiian
Islands, December 7, 1941 to October 24, 1944.
(The military judiciary, which replaced civil courts,
consisted of a military commission and several
provost courts.)

Also,

United States Army, Middle Pacific (MIDPAC), Office
of the Judge Advocate, "History of Judge Advocate's
Office, 7 December 1941-2 September 1945" (mimeo.;
Honolulu, n.d.), 293 sheets.

If this material is available at The Army Library, would it
be possible for me to examine it during the last week in June?

With many thanks for your cooperation, I am

Respectfully yours,



Fred L. Israel
Assistant Professor

Please address reply to my home:

330 East 58th Street
New York, N.Y. 10022

JAGJ CM 334178

AUG 1 - 1955 *mg*

Mrs. Marie C. Dasch
c/o Mr. and Mrs. Joe Previte
150 Valentine Place
Woodbridge, N. J.

Dear Mrs. Dasch:

Reference is made to your letter of 7 July 1955, addressed to the President of the United States, a copy of which was sent by you to this office, concerning the most recent appeal of your husband, George John Dasch, for executive clemency with regard to his conviction of sabotage by a military commission appointed by the President on 2 July 1942.

Your husband does not come within the category of persons concerning which the Department of the Army can or should take preliminary action with regard to a petition for executive clemency. He is not a member or a former member of the military service. He was not tried by court-martial. He was not confined at a military installation, and consequently, no confinement records are available in this department. The record of the proceedings of the President's commission were not processed through or reviewed in this office, and the official transcript thereof is not on file in this office.

Accordingly, this office is unable to assist you in seeking the relief which is referred to in your letter to the President.

Sincerely yours,

Signed

RALPH K. JOHNSON
Colonel, JAGC
Chief, Military Justice Division

NOTE FOR RETAINED COPIES:

This letter reiterates the position of this office as set forth in JAGJ CM 334178, 19 July 1954. Other correspondence in the case of George John Dasch is to be found in SPJGE 1946/1139.

APPROVAL				COORD		
DIV CH	EXEC O	BR CH	ACT O			
<i>J</i>	<i>RS</i>	<i>W</i>	<i>[Signature]</i>			

Foley, EJ/bjw

JAGA 1966/4011

Note for retained copies: 1. Source of inquiry: Ltr fr Fred L. Israel, Asst Professor, Dept of History, The City Univ of New York, New York City, N.Y., -dated 6 June 1966 -- see copy attached.

2. Supporting material furnished: None.

3. Laws and regulations: None.

4. Attached to "green": None.

5. Professor Israel is conducting research into certain operations of Military Commissions that operated in the middle Pacific and has requested advice as to the location of specific records. These records are located at the Archives and Records Service, Alexandria, Va., and, pursuant to the request of the Chief of that service, Mr. Nigh (Eodel253, Ext 85) Prof Israel's letter has been referred to that office.

Mr. Nigh has also informed a member of this office (Capt Yazbeck) that he presently has a request from Prof Israel to view records pertaining to the proceedings against the Nazi saboteurs, which were ultimately considered by the U.S. Supreme Court in Ex Parte Quirin, 317 U.S. 1 (1942). This office in JAGA 1965/3611, 9 Mar 1965, expressed NLO to releasing certain Army records pertaining to such proceedings, and Prof Israel was informed then that he could view the records in the Army Library under the supervision of Mr. Martin of the Army Library (Ext 72491). Prof Israel has apparently requested from Mr. Nigh a second opportunity to review the records he viewed last year. Mr. Nigh was informed by a member of this office (Capt Yazbeck) that in view of JAGA 1965/3611, supra, there is NLO to allowing Prof Israel to review the same records made available to him last year. It was also agreed that it would be unnecessary to transport the documents to the Army Library since Prof Israel may view them at the Federal Records Center, Region 3, where they are maintained. Mr. Martin was informed of this determination.

On 13 June 1966, a member of this office (Capt Yazbeck) was informed by Mr. James of Region 3 that it would be necessary for him to have this office's opinion in writing as to the releasability of the mentioned documents. Mr. James was then advised to forward Prof Israel's request to this office.

The "green" hereof should be attached to the "green" of JAGA 1965/3611, supra.

MEMO ROUTING SLIP		NEVER USE FOR APPROVALS, DISAPPROVALS, CONCURRENCES, OR SIMILAR ACTIONS		ACTION	
1 TO	<i>Oper Div.</i>	INITIALS	CIRCULATE		
		DATE	COORDINATION		
2			FILE		
			INFORMATION		
3			NOTE AND RETURN		
			PER CONVERSATION		
4			SEE ME		
			SIGNATURE		
REMARKS <i>Count of R/T. 334178- Bayers</i> <i>There are eleven volumes with approx 316 pages per volume.</i> $\begin{array}{r} 316 \\ 11 \\ \hline 316 \\ 316 \\ \hline 3476 - \text{pages} \\ .25 - \text{per page} \\ \hline 17380 \\ 6952 \\ \hline 869.00 - \text{Cost} \\ 2.50 - \text{admin Charge} \\ \hline 871.50 - \text{Total} \end{array}$					
FROM		<i>RC/AD.</i>		DATE	<i>Jul 1 64</i>
				PHONE	

JAGA 1966/4011

17 JUN 1966

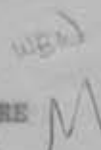
Professor Fred L. Israel
330 East 58th Street
New York, New York 10022

Dear Professor Israel:

Your letter dated 6 June 1966, addressed to Lieutenant Colonel William H. Nichols, inquiring as to the location of certain World War II judicial records, has been forwarded to Mr. W. J. Nigh, Chief, World War II Reference Branch, National Archives and Records Service, King and Union Streets, Alexandria, Virginia.

Mr. Nigh has advised this office that the records you requested are within his custody and that he will communicate with you directly.

Sincerely,

 
FRED J. MOORE
Major, JAGC
Acting Chief, General Law Branch
Military Affairs Division

#4011 Maj Moran/jpp/mq/54341

Please return to:
RECORDS BRANCH, Research Center
OTJAG, Dept. of the Army

66
4011

RECEIPT

I received from Captain Thomas R. Allen, Military Affairs Division, OTJAG, 18 volumes of records containing an original "Stenographic Transcript of Proceedings Before the Military Commission To Try Persons Charged With Offenses Against the Law of War and the Articles of War" (Ernest Peter Burger et. al.), which opened on 8 July 1942 and closed on 1 August 1942.

Donald L. Martin

Mr. Donald L. Martin
Law Br, Army Library
Date:

9 March 1965

All of the above-mentioned records were returned by Mr. Martin to Capt Allen on 6 April 1965. Capt Allen returned the records to Miss Minogue, Records Control + Analysis Division, Rm 204, Nassif Bldg, ~~on~~ on 6 April 1965.

Thomas R Allen
6 April 1965

JAGJ 1961/8729

DEC 11 1961

JAGJ cm 334178

MEMORANDUM FOR RECORD

SUBJECT: Request for Copy of Record of Trial by Military Commission of
Burger et al (German Saboteurs)

1. By letter, bearing the letterhead of The New York Times, dated 30 November 1961, Mr. Ben Franklin requested a copy of the record of trial by military commission of the German saboteurs tried in 1942. Mr. Franklin indicated the request was in behalf of a West German magazine, "Quick," which, in his opinion, is a counterpart to the American magazine, "Look."

2. Mr. Franklin made a similar request to the Department of Justice; however, a representative of the Office of Public Information, Department of Justice, called the undersigned and stated that the matter was considered closed in that Department since the Department of the Army was acting on the request.

3. Miss Minogue, Chief, Court-Martial Records Branch, this Division, informed Mr. Franklin that the cost of reproduction of the 18 volumes of the record of trial and administrative costs would amount to \$761.75. Miss Minogue advised him that he must secure the approval of the Chief of the Military Justice Division before she could have the records reproduced. Mr. Franklin indicated he would pay, in advance, the required costs and fees.

4. On 4 December 1961, the undersigned contacted Mr. Thomas K. Hall (Code 187, X 2304), Executive Assistant, Internal Security Division, Department of Justice, and advised him of Mr. Franklin's request. He agreed to have a member of his staff look into the matter and call me back. That afternoon, Mr. Weldon (Code 187, X 2397) contacted the undersigned and advised that it was a general practice in the Department of Justice to permit members of the public to examine that Department's copy of the record. He stated that they had no copies available for distribution to members of the public and was inclined to think that they would not reproduce any such copies.

5. Col G. G. Ackroyd, Chief, this Division, approved Franklin's request for a copy of our copy of the record, provided he furnishes, in advance, prescribed funds to cover costs and fees. Mr. Weldon was advised of the foregoing and concurred in the reproduction of the copy retained in this office and the release of such copy to Franklin.

JAGJ 1961/8729

6. Col Ackroyd then contacted Mr. Franklin (NA 8-3016) by telephone and so advised him. Mr. Franklin also confirmed that he had made a similar request to the Department of Justice. Col Ackroyd directed that Miss Minogue begin preparation to reproduce the 18 volumes in question but to withhold any final commitment until the cash was in hand. The undersigned so advised Miss Minogue.

7. No further action is required of the undersigned; but the matter will be kept open until CMR has received the funds and has furnished the copy to Mr. Franklin.

John W Croft

JOHN W. CROFT
Captain, JAGC
Opinions Branch
Military Justice Division

*\$8761.75 received by CMR and copy of
record delivered to Mr. Franklin on 8 Dec 61.
JWC*

CM# 334178- Burger, et al,

CM _____

DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON 25, D. C.

DATE 12/8/61

Received from the Judge Advocate General's Office the record
of trial by General Court-Martial of:

Burger, Ernest Peter, et al (Nazi Saboteurs) Record of Trial Reproduction,
2,971 pages

FOR Mr. Ben Franklin, Washington Office, New York Times.

Received 12-8-61 1:45 p.m.

Please Sign and Return to

RETURN TO: COURT-MARTIAL RECORDS BRANCH
MILITARY JUSTICE DIVISION, OTJAG, DA

Benjamin C. Franklin

JAGVU CM 334178

JUL 15 1964

Mr. Richard Kendrick
Post Office Box W
Lompoc, California

Dear Mr. Kendrick:

Reference is made to your letter of June 8, 1964 wherein you request a copy of the record of trial by Military Commission of the German Saboteurs tried in 1942.

The cost of reproduction of this record of trial is approximately \$762.00 and before such action can be taken, it will be necessary for this office to co-ordinate with other agencies in order to determine what the policy is on releasing a copy of this particular record of trial. There is no provision of law whereby additional copies of records of trial are provided to third persons at government expense. Therefore, if you are willing to meet the expenses of reproduction, please inform this office so that appropriate action may be taken in order to determine whether or not a copy of the above can be made for you.

I trust that this information will be of assistance to you.

Sincerely yours,

Signed
JOHN H. BIENVENU
Captain, JAGC
Deputy Clerk of Court

Bienvenu/ap

APPROVAL				COORD		
CJO	CLK. of CT.	OPS.	DIV			

From

Richard Kendall

(Date)

P.O. Box 41, Lompoc, Calif.

To

William Grant Hartung's Letter to Biddle

(Name)

(Address)

Dear Sir,

I am interested in obtaining
a copy of the Court transcript for defendant
1. George John Dask 5. Herbert Haupt
2. Richard Quirin 6. Hermann Weubaue
3. Heinrich Ham Heinke 7. Edward John Keeling
4. Werner Thiel 8. Ernest Peter Burger

This trial took place 22 years ago
on July 8, 1942 to Aug. 7, 1942, Judge Advocate
Mc Coy prosecuting Atty. General Biddle
prosecuting and Cassius M. Royal in
defense. I am taking this case to
the supreme court for review of a message
of Justice I would be very appreciative
if you would help in some way
in getting the transcript for above.

I am thanking you in
advance for your prompt reply and
helpfulness.

Thank you
Richard Kendall

334178

The New York Times

1701 K STREET, N. W.
WASHINGTON 6, D. C.

Via Western Union messenger
Special Delivery

November 30, 1961

Col. Gilbert G. Ackroyd, USA
Chief, Military Justice Division
Office of the Judge Advocate General
Department of the Army
Pentagon
Washington 25, D.C.

Dear Col. Ackroyd:

I have just talked to Miss Katharine Minogue, of your office about obtaining photocopies of the trial transcript of the six Nazi saboteurs convicted and executed in Washington in 1943. I am following the procedure she suggested in hastening this request to you.

I occasionally act as Washington stringer for a West German picture magazine called "Quick", whose closest counterpart in circulation and format here in the United States would be "Look" magazine. "Quick" is published in Munich and circulates throughout western Europe.

Due, I suspect, to the revival of interest in the Nazi agents who landed on Long Island in 1942 brought on by the recent publication of a book about them, and of serialized newspaper condensations of the book, "Quick" would like to do its own treatment of this unusual story, and has already started research and assigned writers in Germany. What is missing and unavailable from other sources is the trial transcript. It is, obviously, the main source of material for this story.

Miss Minogue has explained to me that the transcript must first be recovered from the archives, and that your office must act on my request before the photocopying order can proceed. She also estimated that it might take ten days to complete the mechanical phase of copying, assuming official approval is forthcoming promptly.

I can readily understand the magnitude of the job, and I appreciate the cooperation I have had thus far. So I hesitate to make myself seem unreasonable by asking for speed. But if there is anything you can do to expedite this request a great many impatient journalists will be grateful.

Please do not hesitate to call me if there is anything that I can do to lubricate the proceedings. My telephones are NA 8-3016 (office) and WH 2-5702 (home).

"ALL THE NEWS THAT'S FIT TO PRINT"

TAB A

Col. Ackroyd - 2

Thanks again for whatever extra momentum you can give this request.

Yours truly,

Ben Franklin
Ben Franklin

MEMO ROUTING SLIP

NEVER USE FOR APPROVALS, DISAPPROVALS,
CONCURRENCES, OR SIMILAR ACTIONS.

1	NAME OR TITLE General Jones	INITIALS <i>(Signature)</i>		CIRCULATE
	ORGANIZATION AND LOCATION	DATE		COORDINATION
2	Mrs. Tassa			FILE
			1	INFORMATION
3			2	NECESSARY ACTION
				NOTE AND RETURN
4				SEE ME
				SIGNATURE

REMARKS

George J. Dasch
(Signature)

FROM NAME OR TITLE Office, Chief, Mil Justice Div

DATE 28 Jul 55

ORGANIZATION AND LOCATION

3E330

TELEPHONE 55488

DD FORM 94
1 FEB 50

REPLACES NME FORM 94, 1 FEB 49, WHICH MAY BE USED.

16-56263-2 GPO ☆

JAGJ CH 334178

AUG 1 - 1955

Mrs. Marie C. Dasch
c/o Mr. and Mrs. Joe Previte
150 Valentine Place
Woodbridge, N. J.

Dear Mrs. Dasch:

Reference is made to your letter of 7 July 1955, addressed to the President of the United States, a copy of which was sent by you to this office, concerning the most recent appeal of your husband, George John Dasch, for executive clemency with regard to his conviction of sabotage by a military commission appointed by the President on 2 July 1942.

Your husband does not come within the category of persons concerning which the Department of the Army can or should take preliminary action with regard to a petition for executive clemency. He is not a master or a former member of the military service. He was not tried by court-martial. He was not confined at a military installation, and consequently, no confinement records are available in this department. The record of the proceedings of the President's commission were not processed through or reviewed in this office, and the official transcript thereof is not on file in this office.

Accordingly, this office is unable to assist you in seeking the relief which is referred to in your letter to the President.

Sincerely yours,

Signed

RALPH K. JOHNSON
Colonel, JAGC
Chief, Military Justice Division

NOTE FOR RETAINED COPIES:

This letter reiterates the position of this office as set forth in JAGJ CH 334178, 19 July 1954. Other correspondence in the case of George John Dasch is to be found in SPJCK 1946/1139.

Foley, EJ/bjw

17 February 1961

MEMORANDUM FOR RECORD

SUBJECT: Request for Copies of Photographs of Exhibits Admitted into
Evidence in the 1942 Trial of the German Saboteurs - The
Ex Parte Quiran Case

1. The record of trial by military commission was obtained from GSA, National Archives and Records Service, WW II Records Division.
2. Upon examination thereof, I found no photographs in or attached to the record of trial.
3. Major Prentiss, CINFO (X 71747) was so advised by the undersigned in a telephone conversation of 13 February 1961.
4. The case is hereby closed.

JOHN W. CROFT
1st Lt, JAGC
Opinions Branch
Military Justice Division

BY AIR MAIL
PAR AVION
LUFTPOST



The

War Department,
Judge Advocate General's Office

Washington, D.C.
USA

-Registered-



JAGJ CH 334176

AUG 1 - 1955

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c/o Mr. and Mrs. Joe Previte
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Woodbridge, N. J.

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Colonel, JAGC
Chief, Military Justice Division

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Foley, EJ/bjw

Rotterdam, Netherlands, July 7, 1955.

The War Department,
Judge Advocate General's Office,
Washington, D.C.

Re: The Sabotage Case.

Gentlemen:

To your enlightenment, please allow me to submit
the enclosed copy of our last plea to the President, in the case of
my husband, George J. Dasch.

Very truly yours,

Mrs. Marie C. Dasch

334178

RECEIVED
JUL 12 1955
U.S. DEPT. OF WAR
JUL 12 1955

MEMO ROUTING SLIP

NEVER USE FOR APPROVALS, DISAPPROVALS,
CONCURRENCES, OR SIMILAR ACTIONS.

1	NAME OR TITLE	INITIALS		CIRCULATE
	ORGANIZATION AND LOCATION	DATE		COORDINATION
2	<i>Alex Records</i>			FILE
				INFORMATION
3				NECESSARY ACTION
				NOTE AND RETURN
4				SEE ME
				SIGNATURE
REMARKS <i>For your information and file. amc</i>				
FROM	NAME OR TITLE <i>Miss Katherine Murogue</i>	DATE <i>20 Feb 61</i>		
	ORGANIZATION AND LOCATION <i>CMX Branch</i>	TELEPHONE <i>74252</i>		

DD FORM 1 FEB 50 94

REPLACES NME FORM 94, 1 FEB 49,
WHICH MAY BE USED.

e48-16-56263-3 GPO

Ref. to date of Conviction
& Sentencing

17 February 1961

MEMORANDUM FOR RECORD

SUBJECT: Request for Copies of Photographs of Exhibits Admitted into
Evidence in the 1942 Trial of the German Saboteurs - The
Ex Parte Quirán Case

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4. The case is hereby closed.

John W. Croft
JOHN W. CROFT
1st Lt, JAGC
Opinions Branch
Military Justice Division

17 February 1961
Approved
1st Col Robert E. Miller

334178

DISPOSITION FORM

SECURITY CLASSIFICATION (If any)

334178

FILE NO. CINFO-PI	SUBJECT Request for Information
TO JAG ATTN: Mil Justice Div	FROM CINFO/PID/Mag&BkBr DATE 30 January 1961 Maj Prentiss/bfs/71747 COMMENT NO. 1

Request information as to where we might obtain copies of the photos referred to in the attached copy of letter.

FOR THE CHIEF, PUBLIC INFORMATION DIVISION:

R. F. Prentiss
R. F. PRENTISS
Major, Inf.
Magazine and Book Branch
Public Information Division

1 Incl
Ltr from J.E. Weems,
dtd 21 Jan 61

DISPOSITION FORM

SECURITY CLASSIFICATION (If any)

334 178

FILE NO.

CINFO-PI 000.76

SUBJECT

Request for Record of Trial George John Dasch

TO

OJAG

FROM

Mag&BkBr, PID,
OCINFO

DATE

22 May 1959
LtColChesebro/71747

COMMENT NO. 1

1. Request you furnish this office with a copy of the trial proceedings of George John Dasch, a German Saboteur of World War II, who was tried for war crimes. He was convicted and sentenced 7 August 1942.

2. The READER'S DIGEST has scheduled a story on Dasch, and the magazine has requested the record of trial in order to check the accuracy of the story which it now has.

3. Further request that material requested be furnished this office by 5 June.

FOR THE CHIEF, PUBLIC INFORMATION DIVISION

John S. Chesebro
JOHN S. CHESEBRO
Lieut. Col. Inf.
Magazine and Book Branch

*Necessary info furnished to action officer by
telephone 22 May - Lt Col Chesebro will contact
Mr. Arthur A. Huston, Head, Office Public
Information, Dept of Justice, for access to
record of trial in Dasch case*

*(Room 5119
Dept of Justice)*

CHIEF OF DIVISION
OFFICE

RBG

CINFO-PI 000.76

Request for Record of Trial George John Dasch

QJAG

Mag&BkBr, PID,
OCINFO

22 May 1959
LtColChesebro/71747

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FOR THE CHIEF, PUBLIC INFORMATION DIVISION

JOHN S. CHESEBRO
Lieut. Col. Inf.
Magazine and Book Branch



CHIEF OF INFORMATION
OFFICE

U.S. AIR FORCE
DEPARTMENT OF THE ARMY
DEPARTMENT

MAY 55

15 11 30 AM

MAY 55 5 10 PM '59

RECEIVED

DISPATCHED

Office of the Provost Marshal

AHFPH(1)

27 May 1952

Colonel C. Robert Bard
Chief, Military Justice Division
Office of the Judge Advocate General
Department of the Army
Washington 25, D. C.

Dear Colonel Bard:

Reference is made to your letter of 22 May 1952 requesting information concerning the status of two German saboteurs, Dasch and Burger.

A thorough search of the records in this office and other Sections where information might be obtained concerning the two Germans has been made. This search has met with negative results. There are several officers remaining at Governors Island who recall two Germans being confined at Ft. Jay pending return to Germany. Two officers recall that the names of these men were Dasch and Burger and further recall that they were shipped by water transportation to Bremerhaven, Germany, during the summer of 1948.

One officer recalls making an inspection of their personnel baggage which contained considerable amounts of civilian clothing and he feels that the State Department was connected in some way with Dasch and Burger being returned to Germany.

I hope that this information, although limited, will be of some assistance.

Sincerely yours,

LINDSAY P. CAYWOOD
Colonel MPC
Provost Marshal

8 November 1945

The Honorable

The Attorney General

Dear Mr. Attorney General:

Several days ago in talking with you over the telephone with reference to the record of trial of the eight saboteurs you stated that the President had authorized the removal of the secrecy which had been imposed upon them. Inasmuch as I have a letter signed by President Roosevelt directing me to seal all copies of the record in my possession and that these copies be not opened until so authorized by the President of the United States, I would appreciate it if you would verify your statement to me in order that we may have here in the War Department a record of the authorization of the removal by the President.

In that conversation reference was also made to the original copy of the record of trial which the President kept. As was stated, the law provides that such records should be filed in the Office of The Judge Advocate General. You told me that one of the secretaries to the President was looking up the original record and would see that it was transmitted to this office. Have you heard anything further from him?

Very sincerely yours,

MYRON C. CRAMER
Major General
The Judge Advocate General

MCC:nb

17 February 1961

MEMORANDUM FOR RECORD

SUBJECT: Request for Copies of Photographs of Exhibits Admitted into Evidence in the 1942 Trial of the German Saboteurs - The Ex Parte Quirin Case

1. The record of trial by military commission was obtained from GSA, National Archives and Records Service, WW II Records Division.
2. Upon examination thereof, I found no photographs in or attached to the record of trial.
3. Major Prentiss, CINFO (X 71747) was so advised by the undersigned in a telephone conversation of 13 February 1961.
4. The case is hereby closed.

JOHN W. CROFT
1st Lt, JAGC
Opinions Branch
Military Justice Division

Approved
17 Feb 61
Lt Col Robert E Miller

CROFT, JW/arj/55975

APPROVAL				COORD	
EXEC O	BR CH	ACT O			
<i>[Signature]</i>	<i>PSm</i>	<i>[Signature]</i>			
<i>[Signature]</i>					

AUG 12 '42 AM

August 11, 1942.



1

RECEIVED
WAR DEPARTMENT
GENERAL RECORDS SECTION
A.D.C.

SUBJECT: Witness Fees.

TO: Colonel John Weir, Executive Officer, Office of the Judge Advocate General, War Department, Washington, D. C.

1. Herewith public vouchers covering fees and per diem for witnesses who did not personally collect sum due them.

2. The computation has been made in pencil in order that any necessary changes can be made.

3. After securing Major General Cramer's signature, would appreciate it if you would forward these vouchers to the Finance Officer, 801 Channing Place, marked for personal attention of Colonel Dixon.

4 Incls.

- #1 - Voucher - Danny Doyle
- #2 - " - James S. Egan
- #3 - " - Andreas Grunau
- #4 - " - William Vallee

WGH

WILLIAM G. HUMMELL,
Captain, Ord. Dept.

JAGJ 1961/8286
JAGJ CM 334178✓

MAR 9 1961

MEMORANDUM FOR RECORD

SUBJECT: Request by Kenneth C. Royall, Former Secretary of the Army, for a Copy of the Record of Proceedings in the 1942 Trial of the German Saboteurs

1. On 1 March 1961 OTAG requested on behalf of Secretary of the Army Stahr, a copy of the record of proceedings by military commission in the 1942 trial of the German saboteurs, Quirin et al. The copy desired was the one returned, by order of the President upon completion of review, by a defense counsel, Kenneth C. Royall, later Secretary of the Army.

2. Mr. Royall sent the Secretary a personal letter requesting "his" copy of the record. The record of trial proper consists of 18 volumes of typewritten pages.

3. Investigation disclosed that there is one copy of this record now in the custody of this office and filed with the National Archives and Records Service, Alexandria, Virginia. This copy is not the one requested by Mr. Royall. No identifying markings appear on the cover of each volume as Mr. Royall states are on "his" copy. There are also (1) Volume XIX, a correspondence file, and (2) Volume XX, a miscellaneous file now being prepared by Court-Martial Records Branch. A photostatic copy of the record of trial, minus Volume I, is also on file at the Alexandria Records Center.

4. On 2 March 1961, this action was accepted in toto by Mr. Conrad Philos, Litigation Division. He was, at such time, furnished the DF from OTAG to TJAG with (1) Volume XIX of the OTJAG copy of the record of trial, and (2) TAG reference file AG 000.32, Saboteurs, 1942-1943.

5. On 3 March 1961, the undersigned contacted Mr. Philos and was advised that arrangements had been made to furnish Mr. Royall a copy of the record. Mr. Philos also requested that this Division return to the Alexandria Records Center the OTJAG copy of the record of trial and the photostatic copy of Volumes II - XVIII thereof. Miss Minogue, Chief, Court-Martial Records Branch, agreed to return the records.

6. No further action is required by this Division.

JOHN W. CROFT
1st Lt, JAGC
Opinions Branch
Military Justice Division

*Approved
by [Signature]
[Signature]*

MEMORANDUM FOR THE RECORD

SUBJECT: Conference with Representatives of The Justice Department re Pardon Application of George J. Dasch.

The writer on the morning of 30 June 1954 conferred with Mr. Harvey, who is acting head of the Pardon Attorney's Office as a result of the retirement of Mr. Lyons, at his office at 131 Indiana Avenue, N.W. The details of the case presently pertinent and the method of handling the earlier requests for pardon were discussed. Mr. Harvey pointed out that his office had consistently considered this a military case and had forwarded all inquiries to The Adjutant General. The writer pointed out that just as consistently, The Adjutant General had forwarded the inquiries and applications to The Judge Advocate General with an expression of opinion that Dasch and Burger were not former military personnel, were not tried by court-martial, and were not therefore persons as to whom they could make recommendations. It was pointed out that a representative of The Judge Advocate General had on those occasions contacted the Assistant Solicitor General (Mr. Washington) and, by agreement, Mr. Washington proceeded with the processing of such matters. It was pointed out that when eventually The Attorney General, Mr. Clark, transmitted to The Judge Advocate General, a memorandum to the President by those two parties jointly recommending certain clemency in the case, ~~their~~ office redrafted the memorandum into a unilateral recommendation by The Attorney General, to which the Department of the Army interposed no objection. The proposed executive order and the press release were modified accordingly. Mr. Clark acceded to the modification.

Mr. Harvey stated he could see that this was an unusual case and that probably his office would end up with it, but that he could not and would not accept it himself, but would have to be told from above to do so. At this point the writer requested Mr. Harvey to arrange an appointment with someone in The Attorney General's Office who might be able to make a decision in the case. Mr. Harvey made an immediate appointment with Mr. Allan Lindsay, Executive Assistant to Mr. Olney, Assistant Attorney General and Chief of the Criminal Division.

The writer conferred with Mr. Lindsay in his office in the Department of Justice Building (and at lunch). Mr. Lindsay had quickly checked the Attorney General file prior to our arrival and after a discussion substantially as with Mr. Harvey, Mr. Lindsay pointed out that it didn't appear from their file ~~or~~ the information the writer had given him that the Criminal Division had an interest in the matter or that Mr. Olney could or would make a decision in the case. Mr. Lindsay stated he believed only The Attorney General or his First Assistant could direct Mr. Harvey to process the case. Mr. Lindsay called the Executive Assistant to The Attorney General to attempt to arrange an appointment for me. That officer, on the telephone, agreed with Mr. Lindsay that

SUBJECT: Conference with Representative of The Justice Department re Pardon
Application of George J. Dasch.

Mr. Harvey should take the case and informed Mr. Lindsay it should not be necessary for the writer to see anyone else personally on the matter. The writer was advised to take one of two courses, either of which should have the result desired by their office.

It was suggested that we have The Adjutant General return the file to the Pardon Attorney with an explanation of our position that this is not a military prisoner case and of our position that we should not be required to judge the actions of another department. The Pardon Attorney, it was suggested, would then almost certainly refer the matter to the Attorney General for a decision.

The alternative suggestion was that we have the Secretary of the Army transmit the file to the Attorney General with a similar explanation.

The writer indicated he considered the first alternative more feasible, but that the decision would be made by others.


ROBERT M. MUMMEY
Major, JAGC
Opinions Branch
Military Justice Division

Col Sedwin

I recommend following the 1st
alternative.

RKG

OK
JAG

MEMO ROUTING SLIP

NEVER USE FOR APPROVALS, DISAPPROVALS,
CONCURRENCES, OR SIMILAR ACTIONS

1 NAME OR TITLE <i>Gen. Harbaugh</i>	INITIALS <i>JHA</i>	CIRCULATE <i>19 July</i>
ORGANIZATION AND LOCATION <i>Concur.</i>	DATE	COORDINATION
2 <i>Gen. Muckelbauer</i>	<i>soon</i>	FILE
<i>Concur.</i>	<i>19 July 54</i>	INFORMATION
3 <i>Col. Godwin</i>	<i>JG</i>	NECESSARY ACTION
	<i>19 July</i>	NOTE AND RETURN
4		SEE ME
		SIGNATURE

REMARKS

A lengthy comment but believed appropriate under the circumstances. In view of Dasch's claim that he was promised a full pardon and exonerated by the Dept of Justice a FBI, and for other reasons set forth, I believe a recommendation for pardon on our part would be wrong.

JGJ

FROM NAME OR TITLE

DATE

ORGANIZATION AND LOCATION

TELEPHONE

July 4, 1942

MEMORANDUM for The Judge Advocate General
(Through channels)

Subject: Edward Kerling and Hermann Neubauer,
Suspected Saboteurs and Espionage Agents.

1. During the latter part of 1939, the United States Coast Guards brought the Yawl "Lekala" into the intra-coastal canal landing at Wrightsful Beach, near Wilmington, North Carolina, where the Yawl and its crew were turned over to the port authorities and the writer, then representing the F.B.I. at Wilmington, North Carolina, as resident agent.

2. The "Lekala" captain was Edward Kerling, who was accompanied by Hermann Neubauer and three or four other German nationals. The Yawl and its crew were held for several days, during which time a complete investigation was made. All were later released by orders from higher authorities.

3. Although the writer's complete report may be obtained from the files of the F.B.I., this memorandum is submitted to inform you of the writer's present whereabouts in the event his testimony is needed.

Lansing L. Mitchell
Captain, Inf.
Internal Security Division

July 21, 1942.

MEMORANDUM for Colonel Treusch.

A few days ago you handed me the attached note with the suggestion that I attempt to find in Dasch's statement a statement that Haupt had been in the German Intelligence.

I have been unable to find anything to that effect in Dasch's statement. Page 68 of the statement would indicate that Dasch did not make such an assertion. The only references on that page to Haupt's activities with the German Government were (1) that he had shipped on a blockade breaker, and (2) that he had come to Germany in an effort to get into the Flying Corps.

I am also attaching to this memorandum your notes containing references to four phases of Dasch's statement. The page references on your note are correct.

Lyle D. Keith,
Captain, J.A.G.D.

Miller Travel

I hereby certify that the foregoing is a full and true copy of the original charges preferred against Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel, referred to in the attached Return, and that the same is in the usual form of military charges, and that such charges conform to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this ____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

I hereby certify that the foregoing is a full and true copy of the original Order convening the Military Commission referred to in the attached Return, and that the same is in the usual form of an Order Convening a Military Commission, and that such Order conforms to the rules regulating military procedure.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

I hereby certify that the foregoing is a full and true copy of the Proclamation of the President of the United States of America, dated July 2, 1942, denying certain enemies access to the courts of the United States.

Adjutant General.

Subscribed and sworn to
before me this _____ day
of July, 1942.

Grade and Organization

Trial Judge Advocate.

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

AUG 10 1942

PERSONAL AND CONFIDENTIAL
BY SPECIAL MESSENGER

CLASSIFICATION CANCELLED

By Authority *ESTD* MAG

By

CARL E. WILLIAMSON

Lt. Col., JAGC, Asst. Exec.

Date:

28 JAN 1954

Major General Myron C. Cramer
The Judge Advocate General
War Department
Washington, D. C.

Dear General Cramer:

There is being transmitted herewith the original subpoena which was served on William Leibl, 629 East Dubail Street, South Bend, Indiana.

Service was effected on July 18, 1942, at Leibl's residence, by Special Agent J. J. McLaughlin, a copy of the subpoena being left with Mr. Leibl.

Sincerely yours,

John Edgar Hoover
Director

Enclosure

July 7, 1942.

Federal Bureau of Investigation,
Department of Justice,
Washington, D.C.

Attention of Mr. Cramer

Gentlemen:

The firm of Hart and Dice, 416 5th Street, N.W., Washington, D. C., shorthand reporters, have been appointed the official reporters for the Military Commission. The team of reporters will be in charge of Mr. Lloyd H. Harkins, and will consist of:

Mr. Harkins
Mr. J. Chester Wilfong
Mr. Francis J. Attig
Mr. Nicholas J. Cinciotta
Mrs. G. Chester Wilfong
Mr. M. R. O'Connor
Mrs. Beulah Burns

A list of the above-named individuals was submitted to your office and a report rendered thereon. Will you provide passes for Mr. Harkins and his team of reporters so as to permit them access to the rooms of the Commission.

Very truly yours,

John M. Weir,
Colonel, J.A.G.D.
Executive.

July 8, 1942.

MEMORANDUM for Colonel Weir.

1. Pursuant to memorandum of Colonel Munson of July 8, 1942, and your verbal instructions, I contacted Colonel Sherrill of the Operations Division, General Staff, in an effort to ascertain whether or not a patrol was operating on the beach at Ponte Vedra Beach, south of Jacksonville, Florida, during the month of June, 1942.

2. Colonel Sherrill contacted General Lord at the headquarters of the Eastern Defense Command in New York and was advised that General Lord would obtain the necessary information from the Southern Sector at Jacksonville, Florida. General Lord called back and stated that a letter of instruction was issued by the Headquarters, Southern Sector on June 3, to the 104th Combat Team, directing a patrol of that area effective June 4th until further notice. General Lord suggested that we contact Colonel Ralph E. Hill of the Executive of the Southern Sector for additional information.

3. After telephone conversations with you I contacted Colonel Whipple and Colonel Daley of the office of the Adjutant General with reference to the issuance of travel orders for an officer who had knowledge of the fact that a patrol was actually accomplished pursuant to orders. I thereafter called Colonel Hill at Jacksonville, Florida, and requested that an officer having knowledge of the existence of the patrol come to Washington immediately with a certified copy under seal of the letter of instructions dated June 3, 1942. Colonel Hill advised that Lieutenant Colonel Marshall O. Potter Commanding Officer, 104th Regiment could supply the required testimony and that Colonel Potter would be ordered to proceed to Washington by the most expeditious way in order to report to The Judge Advocate General at 8 o'clock on Thursday morning, July 9th.

4. I thereupon notified Colonel Daley of the name of the officer concerned who stated that he was issuing confirming orders by radiogram for the necessary travel.

5. With respect to the statement in Adjutant General letter (AG 381 (3-11-42)) MC-E-M dated March 18, 1942, the the Eastern Defense Command will not be a theater of operations, I was unable to ascertain any definite information as to why this statement was made. I did find, however, that a defense command is defined in paragraph 1a (2) of the attached letter (AG 320.2(2-28-41) E-WFD-M) dated March 17, 1941. Colonel Sherrill advised

that although he has no definite information as to why the Eastern Theater of Operations was changed to the Eastern Defense Command it is his understanding that the reason for such change was the reorganization of the Army which set up the Services of Supply. Under a Theater of Operations the Commanding Officer thereof exercises supervision over certain supply functions which it was thought by the War Department should be exercised by the Services of Supply.

William T. Thurman,
Major, J.A.G.D.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA

No. 8325

April Term, 1942.

In re

Richard Quirin,

Appellant.

O R D E R

On consideration of application of appellant for leave to proceed in this Court on appeal in the above entitled cause without prepayment of fees and costs and without giving security therefor, it is

ORDERED by the Court that appellant's application be, and it is hereby, allowed.

July 31, 1942.

Per Curiam.

THE WHITE HOUSE
WASHINGTON

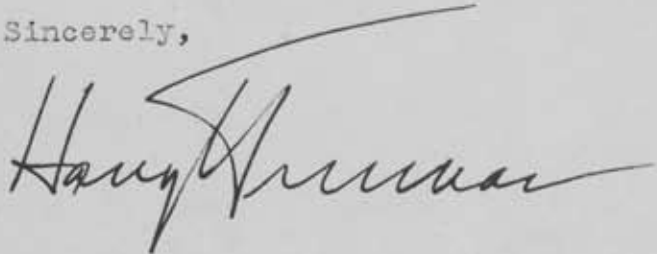
28 November 1945

My dear Sir:

In accordance with the request contained in your letter of November 21, 1945, addressed to Mr. Connelly, you are hereby authorized to inform the War Department that the record of trial of the eight saboteurs may be released from seal.

The original record is now on deposit in the National Archives together with other papers of President Roosevelt formerly in the custody of the Naval Aide to the President. A request for possession of this record should be directed to the Executors of the Estate of Franklin D. Roosevelt. The Executors may be informed that I have no objection to the return of the record to the War Department.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harry Truman". The signature is fluid and cursive, with a long, sweeping horizontal stroke at the end.

The Honorable
The Attorney General
Washington, D. C.

8/8/42

Ltr from President Roosevelt to General Cramer (original and 2 photostats) requesting that all records in the possession of TJAGO concerned with the trial of eight Nazi saboteurs by military commission, be physically sealed for the duration of the war. Letter further stated that they should remain sealed unless opened by order of the President of the United States.

11/8/45

Letter from General Cramer to the Attorney General requesting written verification of a statement that the President had authorized the removal of the secrecy imposed upon the saboteur records. Ltr also requested that the original copy of the record of trial which the President had kept be returned to OTJAG.

11/21/45

Copy of ltr from Attorney General to Matthew Connelly, Secy to the President, requesting formal authorization for the War Department to release seal from record of trial of the eight Nazi saboteurs and return of the original record of trial to the WD.

11/28/45

Letter (original) from President Truman to the Attorney General -

- 1 - authorizing him to inform the WD that the record of trial of the saboteurs may be released from seal, and
- 2 - advising that the original record of trial is on deposit in the National Archives together with other papers of President Roosevelt and that request for possession of this record should be directed to the Executors of the Estate of FDR. Letter further stated that the Executors may be informed that President Truman had no objection to the return of the record to the WD.

12/13/45

Ltr from the Attorney General to General Green advising of release from seal - and that Executors of Estate of FDR now have papers and that they have no objection to returning them to the WD

12/1/45

Memo (original) from Col. G. K. Heiss, Executive, Office of the Under Secretary of War, (Royall) requesting that the documents which General Royall as counsel in the saboteur case turned over to TJAG be returned to him. Ltr stated that identification of the documents in question could be made by General Royall's initials which appear on every tenth page.

1/14/46

Carbon cy of memo for the Under Secretary of War from General Green forwarding his copy of the record in the saboteur trial and copies of the letters from President Truman, President Roosevelt and the Attorney General concerning the sealing and release of this material.

*A photostat copy of ltrs. dtd 8/8/42 and 11/28/45 and a Thermofax copy of all other copies identified above have been given to Mr. McCool, Sec Adm Serv, Comp. Div. TAGO (Thru Mr. Nickel of the same organization) on this date. Cleared w/ Mr. Philbo, Lt Dir - OTJAG. 2 March 1961
Mary Hamilton, Records Mgt. Officer*

COMMANDER IN CHIEF OF THE

ARMY AND NAVY

Washington, D.C.

July 2, 1942

By virtue of the authority vested in me as President and as Commander in Chief of the Army and Navy, under the Constitution and statutes of the United States, and more particularly the Thirty-Eighth Article of War (U.S.C., title 10, sec. 1509), I, Franklin Delano Roosevelt do hereby appoint as a Military Commission the following persons:

Major General Frank R. McCoy, President

Major General Walter S. Grant

Major General Blanton Winship

Major General Lorenzo D. Gasser

Brigadier General Guy V. Henry

Brigadier General John T. Lewis

Brigadier General John T. Kennedy

The prosecution shall be conducted by the Attorney General and the Judge Advocate General. The defense counsel shall be Colonel Cassius M. Dowell and Colonel Kenneth Royall.

The Military Commission shall meet in Washington, D. C., on July 8th, 1942, or as soon thereafter as is practicable, to try for offenses against the law of war and the Articles of War, the following persons:

Ernest Peter Burger

George John Dasch

Herbert Hans Haupt

Henry Harm Heinck

Edward John Kerling

Hermann Otto Neubauer

Richard Quirin

Werner Thiel

The Commission shall have power to and shall, as occasion requires, make such rules for the conduct of the proceedings, consistent with the powers of military commissions under the Articles of War, as it shall deem necessary for a full and fair trial of the matters before it. Such evidence shall be admitted as would, in the opinion of the President of the Commission, have probative value to a reasonable man. The concurrence of at least two-thirds of the members of the Commission present shall be necessary for a conviction or sentence. The record of the trial, including any judgment or sentence, shall be transmitted directly to me for my action thereon.

THE WHITE HOUSE,

July 2, 1942.

FRANKLIN D. ROOSEVELT.

WAR DEPARTMENT
Washington, D. C.

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CHARGE SHEET

Charges and Specifications in Cases of Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel.

Charge I: Violation of the Law of War

Specification 1. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, secretly and covertly passed, in civilian dress, contrary to the law of war, through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went behind such lines and defenses in civilian dress within zones of military operations and elsewhere, for the purpose of committing acts of sabotage, espionage and other hostile acts, and, in particular, to destroy certain war industries, war utilities and war materials within the United States.

Specification 2. In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, appeared, contrary to the law of war, behind the military and naval defenses and lines of the United States, within the zones of military operations and elsewhere, for the purpose of committing or attempting to commit sabotage, espionage, and other hostile acts, without being in the

uniform of the armed forces of the German Reich, and planned and attempted to destroy and sabotage war industries, war utilities and war materials within the United States, and assembled together within the United States explosives, money and other supplies in order to accomplish said purposes.

Charge II: Violation of the 81st Article of War

Specification: In that, during the month of June, 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, and without being in the uniform of the armed forces of that nation, relieved or attempted to relieve enemies of the United States with arms, ammunition, supplies, money and other things, and knowingly harbored, protected and held correspondence with and gave intelligence to enemies of the United States by entering the territorial limits of the United States, in the company of other enemies of the United States, with explosives, money and other supplies with which they relieved each other and relieved the German Reich, for the purpose of destroying and sabotaging war industries, transportation facilities or war materials of the United States, and by harboring, communicating with, and giving intelligence to each other and to other enemies of the United States in the course of such activities.

Charge III: Violation of the 82nd Article of War

Specification: In that, during the month of June 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, were, in time of war, found lurking or acting as spies in or about the fortifications, posts and encampments of the armies of the United States and elsewhere,

and secretly and covertly passed through the military and naval lines and defenses of the United States, along the Atlantic Coast, and went about through and behind said lines and defenses and about the fortifications, posts and encampments of the armies of the United States, in zones of military operations and elsewhere, disguised in civilian clothes and under false names, for the purpose of committing sabotage and other hostile acts against the United States, and for the purpose of communicating intelligence relating to such sabotage and other hostile acts to each other, to the German Reich, and to other enemies of the United States, during the course of such activities and thereafter.

Charge IV: Conspiracy to Commit All of the Above Acts

Specification: In that, during the year 1942, the prisoners, Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin, and Werner Thiel, being enemies of the United States and acting for and on behalf of the German Reich, a belligerent enemy nation, did plot, plan, and conspire with each other, with the German Reich, and with other enemies of the United States, to commit each and every one of the above-enumerated charges and specifications.

F. GRANVILLE MUNSON (Sgd.)
Colonel, U. S. Army

* * * *

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared Colonel F. Granville Munson, U. S. Army, this 3rd day of July, 1942, and made oath that he is a person subject to military law, and that he personally signed the foregoing charges

and specifications, and that he has investigated the matters set forth in said specifications, and that the same are true, to the best of his knowledge and belief.

MYRON C. CRAMER (Sgd.)
Major General, U. S. Army,
The Judge Advocate General

* * * *

Personal service of a true copy of the above charges and specifications was made by me, the undersigned, on the above-named _____
_____ on this _____ day of July, 1942.

7-3-42

SPJGJ Correspondence

MEMORANDUM for Colonel Weir.

Subject: Testimony of Co-conspirators.

1. You have referred to me for opinion the following questions:

(a) Is the testimony of one co-conspirator admissible against the other co-conspirator?

(b) Is the testimony of one co-conspirator admissible to prove facts occurring prior to the termination of the conspiracy?

(c) Is the testimony of one co-conspirator admissible to prove the conspiracy?

(d) Is the testimony of one co-conspirator admissible to prove facts other than the conspiracy?

2. Acts and declarations of Co-conspirators.

Where several persons are proved to have unlawfully conspired to commit a crime, the acts and declarations of any conspirator during such conspiracy, and in furtherance of the common design thereof are admissible as substantive evidence against any co-conspirator on trial (Wharton's Criminal Evidence, Sec. 699, page 1183; Logan vs. United States, 144 U.S. 263; Wiborg vs. United States, 163 United States 632, Zarate vs. United States 41 F (2d) 598 (writ certiorari denied in 282 United States 867)). This same rule is applicable and the same principles control in the case of an unlawful combination of persons, though not necessarily a conspiracy. That is persons may not conspire to commit a crime or the prosecution may fail to prove a conspiracy, but the evidence may show that the persons were acting in concert in the commission of the crime charged. In such cases the same rule applies and where several persons are proved to have acted in concert in the commission of a crime, and have combined for the same unlawful purpose, the acts and declarations of one co-actor in pursuance of the common act or design are admissible against any other co-actor on trial for the crime (Wharton's Criminal Evidence, Sec. 699, p. 1184; Zarate vs. United States 41 Fed. (2d) 598 (writ certiorari denied in 282

United States 267) Friscia vs. United States 63 F. (2d) 977 (writ certiorari denied 289 United States 762). The theory of this rule is based on agency or "partnership in crime" and the rule is applicable regardless of when a person becomes a party to the conspiracy or the unlawful combination (People vs. Lloyd, 304 Ill. 23, 136 N.E. 505).

The acts and declarations of co-conspirators are limited to those acts and declarations which are pursuant to and in furtherance of the unlawful combination of the crime charged (Cendagarda vs. United States 64 F (2d) 182) and when the common enterprise is at an end, whether by accomplishment or abandonment, no one of the conspirators is permitted, by any subsequent action or declaration of his own to affect the others (Logan vs. United States, 144 U.S. 263; Collenger vs. United States, 50 F (2d) 345). However, such statements are admissible against the maker (Lorenz vs. United States, 24 App. D.C. 337,373).

3. Admissions and confessions of co-conspirators.

The confessions and admissions made by a co-conspirator or co-defendant after the termination of the conspiracy, and in the absence of the defendant, are not admissible against the codefendant as substantive evidence to prove his guilt. His confession, therefore, subsequently made, even though by the plea of guilty, is not admissible in evidence, as such, against anyone but himself and even the most solemn admission made by him after the conspiracy is at an end and is not evidence against the accomplice (Madigan vs. United States, 23 F (2d) 180). An exception to this rule is that if confessions or admissions are made in the presence of the accused by a co-conspirator and consented to by him, either expressly, impliedly, tacitly by silence or conduct, such confession or admissions are admissible (People vs. Fisher, 340 Ill. 216; 172 NE 743).

4. Testimony of accomplice:

At common law co-indictees were not competent witnesses against each other. Hence an accomplice could not, when indicted jointly, testify against this co-defendant. This rule has been altered by statute, however, in a majority of states and in these states there is now no objection to an accomplice testifying against his co-defendant. This latter rule appears to be the rule of the Federal courts, but requires that such testimony be received with caution (Madigan vs. United States 23 F (2d) 180, United States vs. Corso 100 F (2d) 604). Nearly all authorities agree that everyone who participates in the commission of a crime, whether as a principal or as an accessory before the fact, is an accomplice within the rules of accomplice testimony.

5. Paragraph 114g, Manual for Courts-Martial, provides that:

"In cases where several persons join with a common design in committing an offense, all acts and statements of each made in furtherance of the common design are admissible against all of them. It is immaterial whether such acts or statements were done or made in the presence or hearing of the other parties. The acts and statements of a conspirator, however, done or made after the common design is accomplished or abandoned, are not admissible against the others, except acts and statements in furtherance of an escape. Of course, this rule is not to be construed as affecting the competency of one accomplice to testify against the others. * * *

6. In view of the above, it is my opinion that if a conspiracy is proved, any act or declaration of any of the co-conspirators occurring during the conspiracy and before the abandonment of the purpose, is admissible against all. Admissions or confessions by one conspirator made subsequent to the termination of the conspiracy (the arrest in this case), would not be admissible against the co-conspirators under the rules enunciated above, unless the confessions or admissions were made in the presence of all of the accused and by their silence they impliedly assented. Each of the accused may be called as witnesses against the co-conspirators on the theory that each is an accomplice of the other and their testimony will be competent to prove the conspiracy as well as the other offenses charged, provided their testimony is not offered to prove facts in reference to the conspiracy that occurred subsequent to the abandonment of its purpose.

7. Specifically answering the questions posed:

(a) The confessions of one conspirator and any admissions made subsequent to the termination of the conspiracy would not be admissible against the other conspirators. However, facts tending to prove the conspiracy or the other crimes committed could be elicited from any of the co-conspirators and such evidence would be admissible on the accomplice theory, provided testimony relating to the conspiracy charge, of facts occurring subsequent thereto, was not offered to prove that charge.

(b) The testimony of each of the conspirators is admissible to prove any facts occurring prior to the termination of the conspiracy.

(c) The testimony of each conspirator is admissible to prove the conspiracy, if such evidence is limited to facts occurring prior to the abandonment of the common purpose.

(d) The testimony of the conspirators is competent to prove any facts material to the issues, and as other crimes are charged, then the testimony of any of the accused would be admissible to prove the commission by the other co-accused of such offenses. Of course any evidence of facts occurring subsequent to the termination of the purported conspiracy, offered as evidence to prove the conspiracy charge, would not be admissible.

Herbert J. Newcomb,
Lieutenant Colonel, J.A.G.D.,
Acting Chief, Military Justice Division.

he would not return for the boxes until after reading in the papers that the F.B.I. were looking for Germans coming off the submarine in Florida, (P. 114 - R. 2377) and that at the time of his apprehension, he was attempting to get located in a place to use as a hideout and a hiding place for the explosives. (P. 60--R. 1563; P. 62-R. 1583-1584).

4. Present indication of his loyalty to Germany.

It was stated by Mr. Holzman that Kerling never, at any time, inferred or stated that he was other than entirely loyal to Germany and to his obligation as a German soldier and citizen. (P. 62 - R. 1582). Kerling admitted on the stand that he is still a loyal German. (P. 116-R. 2417)